# THE INDONESIAN PARLIAMENT AND DEMOCRATIZATION

Patrick Ziegenhain

UNIVERSITAS KATOLIK INDONESIA

# ATMA JAYA

Tepercaya Kualitas Lulusannya

# THE INDONESIAN PARLIAMENT AND DEMOCRATIZATION

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For this study, the intention to focus on Parliament's role in the transition process in Indonesia developed from my long-standing academic and personal interest in the democratization process in Indonesia. In 1996, I finished my Master's thesis in Political Science at the University of Cologne (Germany), concluding that, at that time, Indonesia already had many features typical of a liberalization period in a transition process. This book, now covering the time frame from 1997 to 2004, was submitted and accepted as a Ph.D. thesis in Political Science to the College of Humanities of the Albert Ludwigs University of Freiburg (Germany) in 2005.

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# ABBREVIATIONS AND INDONESIAN ACRONYMS

| Abbreviation | Full Name | Translation/ Explanation |
|---|---|---|
| ABRI | Angkatan Bersenjata Republik Indonesia | The Indonesian Armed Forces |
| ASEAN | Association of Southeast Asian Nations | |
| Bamus | Badan Musyawarah | Literally Deliberation Body, the Steering Committee of the DPR |
| BPPN | Badan Penyehatan Perbankan Nasional | National Bank Restructuring Agency |
| Bulog | Badan Urusan Logistik | National Logistics Agency |
| CSIS | Centre for Strategic and International Studies | |
| CV | Curriculum Vitae | |
| DPP | Dewan Pimpinan Pusat | Central Executive Board |
| DPD | Dewan Perwakilan Daerah | Region's Representative Council (introduced in 2004) |
| DPR | Dewan Perwakilan Rakyat | People's Representative Council — Indonesia's Parliament |
| DPRD | Dewan Perwakilan Rakyat Daerah | Regional Parliament (either on the provincial or district level) |

| | | |
|---|---|---|
| GBHN | Garis-garis Besar Haluan Negara | Broad Guidelines of State Policy |
| GDP | Gross Domestic Product | |
| Golkar | Golongan Karya | Functional Groups. The state political machinery under the New Order transformed to a political party in 1998 |
| HMI | Himpunan Mahasiswa Islam | Islamic Students Association |
| ICJ | International Court of Justice | |
| ICMI | Ikatan Cendekiawan Muslim se-Indonesia | Indonesian Muslim Intellectuals Association |
| ICW | Indonesian Corruption Watch | |
| IFES | International Foundation for Election Systems | |
| ILO | International Labour Organization | |
| IMF | International Monetary Fund | |
| ISEAS | Institute for Southeast Asian Studies | |
| Keppres | Keputusan Presiden | Presidential Decree |
| KIPP | Komite Independen Pemantau Pemilu | Independent Commission to Observe Elections |
| KKN | Korrupsi, Kolusi dan Nepotisme | Corruption, collusion, and nepotism |
| KNIP | Komite Nasional Indonesia Pusat | Independent Indonesia's first (non-elected) Parliament (1945–1949) |
| Komnas HAM | Komisi Nasional Hak Asasi Manusia | National Human Rights Commission |
| Kontras | Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan | Commission for Disappearances and Victims of Violence |
| Kopassus | Komando Pasukan Khusus | Special Forces Command, a strategically important military unit |
| Kostrad | Komando Strategis TNI Angkatan Darat | Army Strategic Reserve Command |
| KPU | Komisi Pemilihan Umum | Election Commission |

| | | |
|---|---|---|
| Krismon | Krisis moneter | Monetary crisis |
| LIPI | Lembaga Ilmu Pengetahuan Indonesia | National Indonesian Institute of Sciences |
| Litsus | Penelitian Khusus | Special Research, a euphemism for political screening of candidates to the DPR in the *Orde Baru* |
| LPU | Lembaga Pemilihan Umum | Election Commission in the *Orde Baru* |
| Lt. Gen. | Lieutenant General | |
| MP | Member of Parliament | |
| MPR | Majelis Permusyawarah Rakyat | People's Consultative Assembly |
| Munaslub | Musyawarah Nasional Luar Biasa | Extraordinary National Deliberation |
| NGO | Non-governmental Organization | |
| NU | Nahdlatul Ulama | Traditionalist Muslim Organization |
| Orba | Orde Baru | New Order, the presidency of Suharto |
| P3I | Pusat Pengkajian dan Pelayanan Informasi | Research Department of the DPR |
| PAN | Partai Amanat Nasional | National Mandate Party |
| Pancasila | | The five guiding principles of the Republic of Indonesia |
| Panja | Panitia Kerja | Group of members of a committee who engage in a detailed review of a bill and subsequently report to the committee |
| Pangkostrad | Panglima Kostrad | Commander of the Army Strategic Reserves |
| PAW | Pergantian Antar Waktu | Removal of a parliamentarian from the DPR by party's Central Executive Board before the end of the parliamentarian's term |
| PBB | Partai Bulan Bintang | Moon and Star Party |

| | | |
|---|---|---|
| PDI | Partai Demokrasi Indonesia | Indonesian Democratic Party, one of the two official opposition parties under Suharto |
| PDI-P | Partai Demokrasi Indonesia Perjuangan | Indonesian Democratic Party of Struggle |
| PDKB | Partai Demokrasi Kasih Bangsa | Love the Nation Democratic Party |
| Perpu | Peraturan Pemerintah Pengganti Undang-undang | Governmental instruction in lieu of law |
| PERTAMINA | Perusahaan Tambang Minyak Nasional | Indonesia's state oil company |
| Ph.D. | Doctor of Philosophy | |
| PITA | Partai Indonesia Tanah Air Kita | Indonesia Our Fatherland Party |
| PMKRI | Perhimpunan Mahasiswa Katolik Republik Indonesia | Catholic Union of University Students of the Republic of Indonesia |
| PNI | Partai Nasional Indonesia | National Party of Indonesia (related to former President Soekarno) |
| PKB | Partai Kebangkitan Bangsa | National Awakening Party, Muslim Traditionalist party linked to NU |
| PKI | Partai Komunis Indonesia | Indonesian Communist Party |
| PKP | Partai Keadilan dan Persatuan | Justice and Unity Party |
| PKPB | Partai Karya Peduli Bangsa | Concern for the Nation Functional Party |
| PNBK | Partai Nasionalis Banteng Kemerdekaan | Nationalist Bull Freedom Party |
| PolRI | Polisi Republik Indonesia | Indonesian National Police |
| PPP | Partai Persatuan Pembangunan | United Development Party |
| PTUN | Pengadilan Tata Usaha Negara | Administrative Court |
| PUDI | Partai Uni Demokrasi Indonesia | United Indonesian Democratic Party |
| RABPN | Rancangan Anggaran Pendapatan dan Belanja Negara | Draft State Budget |
| Ret. | Retired | |

| | | |
|---|---|---|
| RI | Republik Indonesia | Republic of Indonesia |
| Rp | Rupiah | Rupiah, the Indonesian currency |
| RUU | Rancangan Undang-Undang | Bill |
| SU | Sidang Umum | General Assembly |
| Susduk | Susunan dan Kedudukan | Composition and Status |
| TNI | Tentara Nasional Indonesia | Indonesian Armed Forces, a term first used in 1945, and reinstated in 1999. |
| UN | United Nations | |
| UNDP | United Nations Development Programme | |
| U.S. | United States | United States of America |
| USA | United States of America | |
| UU | Undang-Undang | Law |
| UUD | Undang-Undang Dasar | The Constitution (of Indonesia) |

# 1

# INTRODUCTION

From the end of the 1960s, Indonesia was a stable, authoritarian polity in Southeast Asia. Under General Suharto's "New Order" (*Orde Baru*), the fourth most populated country in the world experienced an impressive economic expansion and growing prosperity.[1] These positive developments, however, were accompanied by widespread repression and human rights violations, effectively silencing voices of dissent (Nasution 1994; Schwarz 1994, pp. 249–57; Ufen 2002*a*, pp. 306–24).

In 1997, the Asian economic crisis started to shake the foundations of Suharto's authoritarian regime and more Indonesians began to openly doubt its legitimacy. Nevertheless, on 10 March 1998 President Suharto was re-elected for his seventh five-year term by his hand-picked loyalists in the People's Consultative Assembly (MPR). As before, no other candidate was proposed and Suharto was unanimously approved. Nobody dared to criticize the long-time autocrat and instead, praise was heaped on the "beloved leader". The cheering crowd of people's representatives at the MPR session in March 1998 has remained in the memory of those who witnessed the spectacle. At this time, it seemed that the people's representatives were steadfast supporters of and completely subordinate to the dominant executive.

The reality only 18 months was a stark contrast. Suharto's successor, President Habibie, was booed and jeered; his accountability report was rejected by the same institution. The people's representatives not only strongly criticized the government's decisions, but also set up inquiry committees to investigate the president's alleged wrongdoings — actions which for decades had been unimaginable. Another eighteen months later, in June 2001, the MPR impeached Habibie's successor, President Wahid. He was replaced by Megawati Soekarnoputri, who was very conscious of the new-found power of the

people's representatives. The people's representatives seemed to have developed into a forceful political body.

Indonesia has experienced tremendous change in a short but turbulent span of time. The two state institutions, the People's Consultative Assembly (MPR) and the House of Representatives (DPR), were not only actively involved but became symbols for the political change which took place between 1998 and 2004. The "rubber stamp" legislature, as it was described in the scholarly literature until 1998 (Schwarz 1994, p. 272; Djiwandono 1995, p. 232), transformed into what a leading Indonesian politician, Amien Rais, called a "superbody".[2]

The changing role of the Indonesian parliament must be assessed in the broad framework of political regime change and democratic transition. The authoritarian order of President Suharto has been replaced by a more democratic political system, resulting in one of the largest democratic transitions in world history.

There has been a broad variety of explanations for the collapse of the authoritarian regime and democratization of the state institutions and political life in Indonesia. It must be seen as a "combination of societal mobilization and fracturing of the ruling political elite" (Aspinall 1999, p. 130). Mobilization refers to the massive student demonstrations, when thousands of people turned out on the streets inaugurating an "Indonesian-style Prague Spring" (Aditjondro 1999, p. 218). The eruption of violence and the widespread civic disorder in May 1998 connected the power shift with a dramatic and unforgettable emotional impression for nearly all Indonesians. The second feature is more typical for many recent democratization processes where negotiations and pacts between ruling and opposition elites often led to gradual reforms and an incremental transition.

The decisive steps and actions in the process of democratization, however, were not carried out solely by individual actors and societal groups, but also by political institutions such as the parliament. Changes in these institutions toward democratic representation and governance were crucial for Indonesia's transition to democracy. One of the most important institutions, embodying the newly-won people's sovereignty, is the parliament. During democratization processes, parliaments can be powerful agents of change or road blocks of stagnation, in turn significantly impacting the means and the outcome of the reform process. Parliaments as central political institutions of a regime could "well be expected to be conservative forces resisting changes which might unsettle their established role in the political system" (Longley 1995, p. 22). On the other hand, they could pioneer and embrace political change toward democracy.

Since the institution of parliament is so important, this study seeks to assess what kind of role the Indonesian parliament played during the different phases of the democratization process. It will show that Indonesia's authoritarian parliament was not always a mere rubber stamp, but showed some signs of life in the last months of Suharto's rule. Furthermore, it will explain why and how the parliament developed into a sort of "superbody", albeit with many defects.

When dealing with the Indonesian parliament, the main part of this study will focus on the perceptions, actions and opinions of the social and political elite of the country. Though such an approach could draw criticism for elitism, the study seeks to correct this by closely analyzing the relationship between the persons in the legislature and the Indonesian public, which they purport to represent.

Parliaments and legislatures are elected bodies involved in policy-making and represent the people or segments of the population. There are many interchangeable nouns for parliaments and legislatures. The word "parliament" derives from British English and refers to the British parliamentary system. Some scholars would not define the U.S. Congress as a parliament because it neither selects nor unseats the chief executive. Others would argue that the term "legislature", which is usually used when referring to the U.S. Congress, is not appropriate for the British parliament (Olson 1994*b*, p. 2ff.). A legislature refers usually to a presidential government with a clear separation of power between executive and legislature, where the legislature's power is based essentially on its competencies in legislation and budgetary affairs (the power of the purse). A parliament, on the other hand, determines the composition and tenure of the government. Referring to their respective government systems, German political scientist, Winfried Steffani, proposed the terms "presidential parliament" for a legislature in a presidential system of government and "parliamentary parliament" for a parliament in a parliamentary system of government (Steffani 1990, p. 274).

As I will explain in Chapter 5 in greater detail, the Indonesian *Dewan Perwakilan Rakyat* (DPR) between 1997 and 2004 can be regarded both as a parliament in a parliamentary government system as well as a legislature in a presidential system. Therefore in this study, both the terms "parliament" and "legislature" will refer to the DPR, the elected and representative state institution at national level. As Klaus von Beyme pointed out, one can derive conclusions on the contents from the key word (legislature or parliament) in the title of the international parliamentary literature (von Beyme 1997, p. 54). In this study, the term "parliament" will be used in the title and in most parts of the text to indicate that I regard the Indonesian DPR not solely

as a law-making body, but more in the broader sense of a parliament with its specific functions. However, I will use the terms "member of parliament" (MP) and "legislator" synonymously, hereby following a widespread practice in the scholarly literature on parliamentarism.[3]

When analysing legislatures, one often has to take a second chamber into consideration. Having a representation and oversight function, second chambers usually follow either the model of the British Upper House representing specific social segments of a society, or they provide for a territorial representation such as in the U.S. Senate or the German *Bundesrat* (Riescher, Ruß, and Haas, eds., 2000, p. 8).

In the Indonesian context, a pure second chamber was not introduced until 2004. Instead, the Consultative People's Assembly (*Majelis Permusyawaratan Rakyat* or MPR) existed beside the national parliament as a peculiarity of the Indonesian government system. The MPR, which the Constitution of 1945 designated as the embodiment of people's sovereignty, is not distinct from the DPR because between 1999 and 2004 it was composed of all 500 members of the DPR plus 200 others. Of these 200, 135 regional delegates were chosen by provincial assemblies and 65 representatives of functional groups were selected by the National Election Commission. Until 1999, six factions were formed in the MPR: Three factions of political parties, a military faction, the faction of the regional representatives, and the faction of the group representatives. Between 1999 and 2004 there were more factions of political parties, while the other factions remained untouched.

Since the MPR "is not constituted on different electoral or constitutional principles, it cannot be considered as a second house of parliament in the true sense" (IDEA 2000, p. 39), but shall be treated as an extended DPR. However, since 500 out of a total of 700 delegates came from the DPR, the legislature had a major influence on the outcome of MPR decisions. It is therefore necessary to include the MPR actions and decisions in this study on the Indonesian Parliament.

Another peculiarity of Indonesian politics is the Indonesian state philosophy, *Pancasila*. Promoted with the declaration of independence in 1945, it comprises the five pillars of the national ideology: belief in God, humanitarianism, the unity of Indonesia, social justice, and — most important for this study — democracy through consultation and consensus.[4] This last principle was particularly manipulated under the authoritarian order, which coerced the different social groups into forced compromises and defamed any opposition as anti-*Pancasila* (Ramage 1995, pp. 24–31). Despite all the changes after the end of Suharto's rule, the *Pancasila* remained

the official state philosophy of Indonesia, even after the regime change to a new political system.

## PARLIAMENTS IN THE SCHOLARLY LITERATURE

Legislatures have been a central topic of political science since the early twentieth century. The majority of studies on legislatures basically describe the history, constitutional background, elections and functions of various people's assemblies. Comparative studies specifically focused on parliaments are less frequent. They are typically made in the context of a broader study of comparative government. One of the best comparative studies focusing on legislatures deals with the U.S. Congress and the German Bundestag (Thaysen, Davidson and Livingston 1990). It gives insight into the respective social composition, relations to the states in the federal systems, the justice system, party systems, media, and interest representation. Additionally, it shows the importance of both legislatures in policy fields like economics, foreign affairs, security, and technology. Relevant literature on the structures and functions of parliaments in various countries or in general such as von Beyme (1997, 1999), Blondel (1973), Copeland and Patterson (1994), Hassall and Saunders (1997), Hibbing and Patterson (1994), Laundy (1989), Mezey (1979), Norton (1990), Olson (1994b) and Smith and Musolf (1979) are included in the theoretical framework of this study. Most of these studies name and define characteristics of different Western parliaments. It is striking that most studies in political science on parliaments have focused — with a few exceptions — on European and North American countries, while neglecting developing countries. Following that pattern, detailed studies on national parliaments in Asia are rare. One exception is the comprehensive study of Hans-Peter Foth about the Congress of the Philippines (Foth 1991). A recently completed comparative study of five Asian parliaments (Rüland, Jürgenmeyer, Nelson and Ziegenhain 2005) may serve as a starting point for further in-depth research into the structures and functions of Asian legislatures.

Legislatures in developing countries have often been dismissed by scholars. This has resulted not only because of the general neglect of these countries in the social sciences, but also because of the prevailing opinion that other, more important factors shaped politics in those countries. This notion was often connected with the conclusion that parliaments were sometimes powerful, but in practically no case were they the decisive institution for policy output. This led to the popular impression that "legislatures in developing countries are not the chief movers and shakers in the political process" (Smith and Musolf 1979, p. 370).

Therefore, in an effort to fill this notable gap in scholarly research and provide a more complete picture of democratization in process, this study concentrates on a national parliament in Asia.

## PARLIAMENTS IN THE SCHOLARLY LITERATURE ON DEMOCRATIZATION PROCESSES

In most of the theories on transition, parliament is not the main focus. None of the anthologies of Wolfgang Merkel (Merkel 1994, 2000; Merkel, Sandschneider and Segert 1996; Merkel and Sandschneider 1997, 1999), which are still important in the debate, explicitly discuss the role of parliaments in transition processes. Instead, they focus on other prominent actors like interest groups, associations and political parties.[5] Nor do prominent U.S. scholars writing on democratization like Samuel Huntington (Huntington 1991) or Larry Diamond (Diamond 1996, 1997) concentrate on the role of parliaments during the transition processes. Among the reasons for the relative neglect of the parliamentary role in democratization processes is the abundance of other major actors. Particularly in the period before and shortly after the regime change, other players were generally viewed as more decisive, while parliament was regarded only as important for the consolidation of democracy (Rüland, Jürgenmeyer, Nelson and Ziegenhain 2005, p. 41). In the time before the regime change, much greater importance was attached to the "popular upsurge", the politicization of civil society and to extra-parliamentarian groups (O'Donnell and Schmitter 1986, p. 53).

Continuing this trend, most studies concerning the recent democratic transition process in Indonesia did not focus on the role of the national parliament. The scholarly literature discussing the latest political developments in Indonesia is extensive and deals with many aspects of the democratization process (Aspinall 1999, Bourchier 2000, Emmerson 1999, Forrester and May 1999, Hara 2001, King 2003, Kohar 2002, Manning and Diermen 2000, Schuck 2003, Suryadinata 2002, Ufen 2000, van Dijk 2001). The main points of research included the economic crisis and its impact on the transition, the other factors explaining Suharto's downfall and the 1999 elections. Most publications concentrate on the most prominent personalities — mainly the presidents and the military leaders — and their actions as the key to political outcomes thereby neglecting the parliamentary role. This is in line with the mainstream literature on political

transition, but an approach which is not justified in the Indonesian case. Perhaps parliament was neglected since researchers and the general public often regard institutions as "usually more obscure and inherently less interesting" (King 2003, p. 3). However, the fact that scholarly research paid only scant attention to the Indonesian parliament during the Indonesian transition process marks an evident shortfall of research.

More studies can be found concerning the parliament's involvement in the democratization processes in Latin America and Central and Eastern Europe in the 1980s and 1990s. The literature on the transition processes in Latin America during the 1980s concluded that parliaments were less significant in the first stages of democratization, since during the times of military dictatorship no people's assembly existed and parliamentary bodies were created only after regime change. Nevertheless, there have been a number of valuable publications on the democratization processes in Latin America (Linz and Valenzuela 1994, Close 1995, Mainwaring and Shugart 1997, Krumwiede and Nolte 2000). However, these studies focus not on legislatures *per se*, but rather on the question of whether a presidential or parliamentary system of government is more suitable for the consolidation of democracy. An exception is an anthology edited by David Close (Close 1995), which emphasizes the role of legislatures in processes of democratic transition in various Latin American countries.

Recent years have seen a renaissance of legislatures in many of the new democracies in Central and Eastern Europe (Olson 2002, p. 46), where regime change often took place within the former authoritarian state institutions including parliament (von Beyme 1994, p. 232). The legislatures in Central and Eastern Europe had to modify and to democratize internally, while in the Latin American cases, political actors outside the existing parliamentary bodies created new parliaments with new sets of rules. The legislatures transformed — in Mezey's terms — from minimal to active legislatures (Mezey 1979) within a few years. In the context of the transition to democracy in the Central and Eastern European states, there exists a broad scholarly debate on the role of parliaments (Agh 1994, Agh and Ilonszki 1996, Hibbing and Patterson 1994, Kraatz and Steinsdorff 2002, Norton and Olson 1996, Olson 1994*a*, Olson 1994*b*, Olson 2002, Remington 1994). These publications underline the centrality of the post-communist parliaments in the democratization process and their influence on the modification of the constitution, institution-building, shaping of the party system, and the relation to the other state institutions. Nearly every author stresses the similarities of the challenges, problems, and development of the

new parliaments in Central and Eastern Europe, which are — despite all country-specific differences — overwhelming. In every case, the once insignificant Soviet assembly turned into one of the most important centres of the political system in little more than a decade. The Eastern and Central European examples seem to indicate that there are typical actions, actors and stages which accompany the transformation of the parliament's role in the political system.

## APPROACH OF THIS STUDY

A clear contradiction exists between the lack of adequate research on parliaments in democratic transition processes in general and in the Indonesian case in specific and the importance of parliaments for democracy (see Chapter 2). This incongruity leads to the main question of this study: what kind of role the Indonesian parliament played in all stages of the democratization process?

This central question shall be assessed by measuring the fulfilment of the main functions attributed to parliaments (see Chapter 2) in the different phases of the Indonesian democratization process. The previous research on the Indonesian transition left many unanswered questions, but nevertheless provided a starting point for this analysis. In this study, I will explain how and why the Indonesian parliament was, or was not, able to fulfil its functions between 1997 and 2004. Why did the parliament perform differently in the various periods? I will analyse whether parliament was an object transformed by outside actors during the democratization or a subject which influenced the whole process. To this end, in the empirical part of this study, I present and analyse the concrete actions of parliament as a subject and events where parliament was an object.

The analysis of parliament's fulfilment of its functions is only a means of drawing further conclusions about the role of the parliament during the democratization process. The fulfilment of the parliament's various functions has a direct impact on the state of democracy in a country. If the performance of the parliament approximates its ideal functions, it should, together with other major political actors, play an important role in reaching crucial, binding decisions. In this regard, a distinction has to be made between veto powers, which enable parliament to block unwanted policies, and possibilities of co-decision with other state institutions.

The consolidation of democracy requires that parliament be a strong factor, since "weak legislatures will neither bring accountability, nor guarantee fair representation" (Close 1995, p. 14) nor produce a well-balanced and

effective legislation. Conversely, if the parliament does not fulfill most of its functions, it follows that the political system is either authoritarian or less democratic. During a political transition process, democratization is stalled when parliament does not improve its performance.

Another caveat has to be taken into consideration: Parliaments alone — even when they play a decisive role in the political system — do not necessarily guarantee democracy. They "can pass abusive laws, defend the establishment, and willfully ignore the needs of the weak and marginalized" (Close 1995, p. 6). Therefore, while analysing the fulfilment of the functions by the Indonesian parliament, I will focus on its contribution towards the process of democratization.

## STRUCTURE OF THIS STUDY

The theoretical framework of this study includes reflections on the role of parliaments in theories on democracy as well as their role in the literature on transitions. In the main part, I analyse the role of the Indonesian parliament in the different periods of the transition process by the fulfilment of its functions according to several criteria (see Chapter 2).

Since the time frame was defined from 1997 to 2004, this study will not include a historic chapter on the prior development of parliamentarism in Indonesia. Admittedly, such a historic digression would show some continuity, but it would only peripherally refer to the main research questions of this study. The *Volksraad* under Dutch colonial rule, the DPR in the short era of parliamentary democracy in Indonesia from 1950 to 1957, the *gotong-royong* parliament under Soekarno's guided democracy, as well as the DPR during the *Orde Baru* from 1965 to 1997 are nevertheless valuable research targets which have been analysed in other studies (Feith 1962, Datta 2002).

This study does not compare two or more legislatures from different countries, but analyses three distinctive legislatures in just one country in a relatively short span of time. The presentation of the empirical data on the role of the Indonesian parliament is structured according to its main parliamentary functions. Consequently, this study explicitly avoids a strictly chronological approach. It structures the time frame between 1997 and 2004 into three different periods, but within these periods the fulfilment of the specific function will be analysed without applying a pure chronological order.

The three periods shall be — with reference to the terminology of O'Donnell and Schmitter (O'Donnell and Schmitter 1986) — the following: the liberalization period 1997–98, the democratization period I 1998–99,

and the democratization period II 1999–2004. The starting point of the liberalization period, which will be discussed in Chapter 3, can be set in June 1997, when the last general elections of the *Orde Baru* were held. Since "it will not soon escape his legacy, Indonesia after Suharto cannot be understood without knowing what the country was like during his rule" (Emmerson 2000, p. x). In order to analyse the changes taking place during the democratic transition, it is inevitable to start with the *status quo ante*, the role of the DPR in the last year of the *Orde Baru*. On 21 May 1998, President Suharto resigned from office, marking the end of the authoritarian Orde Baru, and consequently the liberalization period.

In the following chapter, Chapter 4, the fulfilment of the functions by the Indonesian parliament and the resulting impact on the democratization process will be assessed in the time frame of May 1998 until October 1999, which was the time of the presidency of Bacharuddin Jusuf Habibie. In this period, initial efforts were made to establish a democratic order in Indonesia and free parliamentary elections took place in June 1999.

Chapter 5 starts in October 1999 when the newly-elected parliament began its work and Abdurrahman Wahid, popularly known as Gus Dur, was elected the new President of Indonesia. The term of this parliament together with the presidency of Megawati Soekarnoputri lasted until October 2004, which marks the end of the time span covered by this research. The parliamentary elections in April 2004, however, are not included in the scope of this study, since they signify another stage of the transition process.

Table 1.1 provides an overview of the time frame which structures this study.

After assessing the role of the Indonesian parliament in the different phases of the democratization process in Chapters 3 to 5, I will draw conclusions about the question of whether and, if so, to what extent parliament played a role during the transition process in Indonesia. What were the major changes in the execution of parliament's function? Did the regime change lead to a complete break in parliamentary work, and what were the continuities? And, to place it in a broader framework, what was the contribution of the Indonesian parliament to the democratization process? Furthermore, taking a comparative perspective, what were the main similarities and differences of the role of the Indonesian parliament compared with other legislatures in transition processes such as those in Central and Eastern Europe as well as in Latin America? The concluding remarks will sum up the main research findings and outline some perspectives for the future development of the Indonesian democratization process and the role of the parliament herein.

**TABLE 1.1**
**Parliaments and Presidents in Indonesia between 1997 and 2004**

| 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 |
|---|---|---|---|---|---|---|---|
| Chapter 3 | Chapter 4 | Chapter 5 | | | | | |
| **Liberalization Period** | **Democratization Period I** | **Democratization Period II** | | | | | |
| President Soeharto<br>June 1967 – May 1998 | President Habibie<br>May 1998 – October 1999 | President Wahid<br>October 1999 – June 2001 | | President Soekarnoputri<br>June 2001 – October 2004 | | | |
| **Parliament** (Elections in June 1997 under the *Orde Baru*) | | **Parliament** (Free and fair elections in June 1999) | | | | | |

*Source:* Compilation by the author.

## FIELDWORK, DATA COLLECTION AND INFORMATION SOURCES

Visits by the author to the Indonesian capital of Jakarta, where the parliament is located and most legislators live and work, were crucial for data gathering. The fieldwork for this study took place from October to November 2001, November 2002 to January 2003 and February to March 2004.

To obtain first-hand information, I conducted interviews and talks with current and former members of parliament. During my stays in Jakarta, I interviewed fourteen legislators from different parties. My preference for selecting certain legislators was a product of several considerations. Firstly, the interviews aimed to include representatives of all major political parties in the DPR. Secondly, they targeted experienced members, who were already legislators during the *Orde Baru* and could report about the changes, as well as newcomers with little parliamentary experience since they could answer without historical burden. Among the most prominent interviewees were DPR chairman Akbar Tandjung, one of the key players during the transition process, as well as vice-chairman Muhaimin Iskandar and senior legislator Jakob Tobing, who joined the former opposition party PDI-P (*Partai Demokrasi Indonesia Perjuangan*, Indonesian Democratic Party of Struggle) after twenty-eight years as a parliamentary representative of Golkar. The questions to the legislators were adapted to the individual position and situation of the person asked. With three exceptions, all interviews were conducted in Indonesian (*Bahasa Indonesia*) and soon after the interview were translated into English language interview records.

During fieldwork, other structured in-depth interviews were carried out with officials of the parliamentary secretariat, scholars and journalists. All in all, close to 100 interviews were conducted.

Apart from these interviews, documentary research was a second major source of information. Legal documents and statistical data related to parliament were collected to the extent that they were accessible. In the General Secretariat of the DPR, I was able to obtain many useful pieces of information and copies of original documents, which were of great importance for the study. Despite the chaotic and unorganized state of archive documents, which made the research more challenging, the DPR staff did its best to provide useful information.

Complementing these sources, I researched in parliamentary and university libraries. Prior to and after the fieldwork, a careful literature review was conducted which was regularly updated. This also took into account polls by the Asia Foundation and the research department of the Indonesian daily

Kompas. The debate on the democratic transition in Indonesia itself led to a great number of publications in the Indonesian language (e.g., Haris 1998 and 2003, Sunata 1999, Saefuloh 2000, Yayasan API 2001, Forum Masyarakat Peduli Parlemen Indonesia 2001, Lubis 2001, Nainggolan 2001, Tay Keong Tan 2001, Estiko and Prayudi 2002, Simanungkalit 2002, Irawan 2002, Irsyam and Romli 2003) that have been neglected in most of the well-known international publications. One aim of the study is to include their results and assessments and make them available to non-Indonesian language researchers. This includes also self-accounts by DPR legislators who wrote books about their parliamentary experiences and impressions (Djarot 2000, Yusuf 2000, Baasir 2003, Fatwa 2003, Musa 2003, Tandjung 2003).

Additional information was gathered through Internet research. This included the regular analysis of the press in Indonesia, such as *The Jakarta Post*, *Kompas*, *Suara Pembaruan* and *Tempo*. Furthermore, the analysis of the homepage of the government and the parliament under study provided some additional information. The homepage of the DPR <http://www.dpr.go.id/> is, however, a good example of how imperfectly and unprofessionally the consolidation of an important state institution developed. The self-portrayal depicts not a "superbody" but rather a chaotic and untransparent administration.

## Notes

1 The average annual growth rate of the gross domestic product (GDP) between 1965 and 1996 was 6.7 per cent. Over the same time period, the annual income per capita increased from US$100 in the mid-1960s to US$1,000 in the early 1990s (Thee Kian Wee 2002, p. 198).

2 "Amien Rais: DPR Berubah Jadi Ekstrem", in *Kompas Online*, 11 July 2003.

3 Indonesian language publications usually use the term *anggota DPR* (member of parliament), while most English language publications on Indonesia prefer the word "legislator".

4 For a more detailed description, see Stockmann (2004), p. 155ff. and Ufen (2002*a*, pp. 85–88).

5 The second part of the anthologies (Merkel, Sandschneider and Segert 1996) deals with many aspects of the institutionalization of new democracies in several countries and regions and rather emphasizes the processes of constitution-building and the instutional designs of emerging democracies.

# 2

# PARLIAMENTS AND DEMOCRATIZATION

## PARLIAMENTS IN TRANSITION AND DEMOCRACY THEORIES

The term democracy is complex and can be understood in many different ways. There is hardly any state which nowadays would not describe its own political system as a democracy. In Indonesia, too, all government forms since its independence in 1945 have called themselves a democracy. As there are so many interpretations of what democracy is and what elements belong to a democracy, a short definition as to what is understood as democracy in this study is necessary. Though the scholarly literature on democracy and democratic transition fills bookshelves, in the framework of this study, only some essential basic definitions and criteria will be presented.

Although theories of liberal democracy have recently gained prevalence, it may be argued that especially in the context of transitions, legitimacy is of special importance. This leads back in time to liberal theories of democracy. People's sovereignty is the main feature of virtually all kinds of liberal democracy theories (e.g., Hobbes or Locke). The embodiment of people's sovereignty used to be a matter of contention. Today, this idea has been transferred to a representative form of assembly. Rousseau's version of direct democracy is practised in very few areas and countries. As Robert Dahl stated: "The larger the unit, the greater its capacity for dealing with problems important to its citizens and the greater the need for citizens to delegate decisions to representatives" (Dahl 1998, p. 110).

Government by the people refers to the abstract ideal that people should govern themselves. In direct democracies, which were practised in Ancient

Greece and today in Switzerland, people can decide in plebiscites directly on laws or specific political questions. In larger territorial units, this form of direct democracy that Rousseau intended is hardly practical and has therefore lost importance in the debate on people's sovereignty. The latter can be differentiated by the famous Gettysburg formula of democracy by Abraham Lincoln: "Government of the people, by the people, for the people." Government of the people means that society as a whole is the sovereign and that state power is only legitimate if it is in accordance with the free will and the agreement by the people. To express this free will, a society needs civic rights like freedom of expression, association, etc.

In modern contemporary democracies, the principle of government by the people is mostly interpreted in a representative manner, meaning that representatives of the people get a mandate from the electorate to decide on their behalf. The election of representative bodies remains the main way of applying the representative principle. In a democratic state, the sovereignty shall be in the hands of people and practically exercised through representation. In an abstract form, such representative bodies are the hypothetical will of the people. "The legislature has a symbolic character, and is a corollary and a manifestation of support for the principle of popular sovereignty" (Blondel 1973, p. 30).

The representatives shall be elected in free and fair elections for a limited time after which they can be re-elected or voted out. The representatives are held responsible for their actions through election at regular intervals. Democracy thus denotes a government system where the government is legitimated by the election of the people.

In a pluralistic society, parliament can give the major political actors a chance to be together and to participate in the democratic order. Even when these actors do not get a possibility to take part in the government, they can nevertheless participate in the political process and are not excluded. This gives parliament a better public reputation and contributes to the legitimacy of a democratic order. Government for the people means that the decisions made by its representatives are in the interest of all the people and not only in that of the representatives. Whereas the former two dealt with the input side of a political system, the latter refers to its output.

Parliaments as the representation of the people play a key role as the legitimizing institution for any political rule. One finds legislatures in nearly all government systems around the world, in liberal as well as authoritarian government systems. Authoritarian rulers prefer a subservient legislature to no legislature at all. If an authoritarian government does not accept the result of a parliamentary election and forbids its elected members to convene, as for

example the military rulers of Burma did in 1990 (Rüland 1998, p. 153ff.), the international reputation and the degree of liberty declines dramatically. In authoritarian systems, if the legislature is not abolished, it is usually "limited to a public display function in a façade democracy. Yet, once created, a legislature has the possibility to grow within an authoritarian system, to develop various ways by which it can become more active than originally intended: the Congress of Brazil under military dictatorship and the Polish Sejm under Communist Party rule are examples " (Olson 1994*b*, p. 143). In authoritarian regimes, opposition groups are subject to repression or do not exist at all. In a democracy, however, opposition is institutionalized in parliament. Parliament thus plays an important role in legitimizing both government and opposition.

To perform their functions, parliaments need at least some decision-making power, otherwise they are irrelevant within a political system. Two common pitfalls exist: Legislatures can be viewed in an exaggerated light, where they are superpowers, independent and influential in the fields of constitution drafting and law-making. They can, on the other hand, be underestimated, suggesting that legislatures do nothing, that they have "declined", that they are rubber stamps in many countries and increasingly irrelevant in others. Most legislatures are neither of these extremes (Blondel 1973, p. 133).

In the eyes of many scholars, however, the role of parliaments in the policy-making process has deteriorated in the last century. This scholarly debate on the decline of parliaments is very old, starting with criticism of the scholar-statesman Lord Bryce of the American Congress in 1921 (Bryce 1921), who complained about the dependence of legislators on party machines and interest groups. This criticism was repeated constantly throughout the twentieth century. "Allegations concerning the 'decline' of legislatures in contemporary regimes are based less upon an analysis of the functions which such institutions can or do perform than upon misinformed judgements about what they should be doing or what they are alleged to have done" (Smith and Musolf 1979, p. 45). Even in Western democracies, many scholars complain that parliaments are powerless and ineffective and that legislative quarrelling produces only minimal results. Especially in the parliamentary government systems of Western European states, parliaments "often seemed to become increasingly streamlined and increasingly confined to obeying the fiats of strong executives backed by a disciplined party" (Blondel 1973, p. 6). This argument referred to the opinion that when the government has a parliamentary majority and the majority holds together, the government controls parliament and not vice versa. More recently, the media are seen as

having taken over the function of controlling the executive, discovering executive power abuses and administrative irregularities as well as informing the public. Additionally, transnational structures such as the European Union have made the sovereignty of national parliaments increasingly irrelevant (von Beyme 1998).[1]

The growing role of parliaments in the democratic transitions in Central and Eastern Europe can be contrasted to the often described "decline" of Western parliaments. Therefore, in recent years, the importance of institutions in general and parliaments in specific has regained importance in political science. Despite ongoing complaints about the deterioration of parliaments, Patzelt stated in reference to the Central and Eastern European examples, that the often cited "decline of parliaments" in the scholarly literature should not be seriously debated anymore (Patzelt 1995, p. 357).

As a result, it is essential to study parliaments because they are an important, if not crucial link between people and the government, and they are — at least to a certain degree — involved in the national policy-making process. Individual legislatures vary within the wide power range from "rubber stamps" to "major power blocs", but when they exist, they have at least a minimum of power. Even "minimal legislatures" (Mezey 1979) were created to deliver some kind of action even if it is only to legitimize authoritarian rulers.

To sum up: In theories on democracy, parliaments are considered important insofar as they are regarded as essential for the legitimacy of democracy. They are the manifestation of popular sovereignty and representation.

Looking at the Indonesian transition process, the importance of a normative notion of democratic legitimacy can hardly be overestimated. The Indonesians' claim for a legitimate people's representation gives a hint of the relevance of the legitimacy argument, classically embodied in parliament. In this perspective, parliament should play an important role in a newly established democracy after a regime change from authoritarian rule.

## Parliament and Democratic Transition

The transition from authoritarian to democratic regimes has been a subject of academic political debate for more than forty years. In this study, the term transition shall be used in the political sense of the definition according to O'Donnell and Schmitter as "the interval between one political regime and another" (O'Donnell and Schmitter 1986, p. 6). In this case, it is the transition from an authoritarian to a more democratic regime.

According to the main theories of democratization, the time frame starts with the disintegration of the authoritarian regime and ends with the consolidation of a new, more democratic, political order. Political transition can go along with social transition. Usually, however, social change and a change of the political culture take much more time than a transition of the political institutions. In most cases the administration or judiciary retain their positions. This can also apply to parliaments who continue to exist and parliamentarians who can be people's representatives in an authoritarian and later on in a democratic political order.

In the 1960s and 1970s, the democratization theories concentrated on the structural preconditions for the development of a democratic system. In this structuralist approach, the main argument maintained that democracy is a result of economic and social development. Seymour M. Lipset, one of the most prominent representatives of the structuralist approach, concluded, "that democracy is related to the state of economic development. The more well-to-do a nation, the greater the chance that it will sustain democracy" (Lipset 1960, p. 49ff.). Structural theories of transition did not assign independent functions institutions in the process of political change, but focused on macro-economic data. Various analyses conducted since then have sustained the thesis that some kind of correlation existed between the level of socio-economic development and the type of the political system. For example, Samuel Huntington concluded that economic development "promoted changes in social structure and values that, in turn, encouraged democratization" (Huntington 1991, p. 65). Tatu Vanhanen stated that the relative distribution of economic, intellectual, and other power resources among a population is the decisive factor for the success of democratization (Vanhanen 1990, p. 50).

However, the insufficient explanatory power of this approach soon became visible (Oberndörfer 1970), particularly when analysts attempted to explain the democratization processes that started in Latin America in the 1980s and later spread to many other regions of the world. The belief in economic preconditions for democratization was also discredited by Przeworski and Limongi, who provided substantial evidence that economic development helps democracies remain democratic, but does not explain why they became so (Przeworski and Limongi 1997).

A new approach, based on the experiences in Latin America, was proposed by Guillermo O'Donnell and Philippe Schmitter (O'Donnell and Schmitter 1986). Their actor-oriented approach tried to explain democratization as a result of the interests of and the interaction between relevant actors or actor groups. In this approach, democracy is regarded not as the result of macro-

economic and social preconditions, but as made by specific actors. The latter were regarded as operating rationally by calculating the expected costs and benefits of their actions. The primary research target shifted from the preconditions of a democratic transition to the analysis of the actions of relevant opposition and ruling elites during a regime change from authoritarian to a more democratic order.

This study adheres to such an actor-oriented approach without neglecting the conditions of socio-economic and cultural structures. The focus lies on the actions and decisions of one specific collective actor (Mayntz and Scharpf 1995; Croissant 2002, p. 53) that was very often neglected in previous actor studies on democratization processes, i.e., the Indonesian parliament. Parliament will be seen as a collective actor because it includes individuals and other collective actors like parties and their factions. These composite actors are institutionally constituted and depend on rules for their continuing existence. Parliament can be seen as a collective actor with its own "corporate identity". It is composed of many individuals and groups of individuals who act differently, but one can speak nevertheless of collective actions of parliament (Rüland, Jürgenmeyer, Nelson and Ziegenhain 2005, p. 7). At the same time, institutionalized actors, such as parliaments, offer channels of action for the influence of individual actors. The scope for the actors' options and actions in general, however, were either enhanced or restricted by socio-economic and cultural structures.

Generally, the role of parliaments and parliamentarians was neglected in actor-oriented transition literature for two different reasons: first, many transitions — mainly in Latin America — occurred without a parliament at all during the authoritarian period. It was inaugurated only after the mode of regime change was negotiated. Second, looking at different actor-oriented approaches, one could conclude that many scholars argue from a pluralistic point of view that sees democracy mainly as a set of rules for competition.[2] The main players acting under these rules are different interest groups, i.e., associations, political parties, etc., who compete for power. The aspect of legitimacy embedded in the idea of parliaments plays a minor role in these concepts.

At the core of most transition theories are underlying criteria for democracy as presented by Robert Dahl in his polyarchy model (Dahl 1971, p. 3):

- Freedom to form and join organizations (associational autonomy)
- Freedom of expression
- Right to vote
- Eligibility for public office

- Right of political leaders to compete for support/votes
- Alternative sources of information
- Free and fair elections
- Institutions for making government policies depend on votes and other expressions of preference.

These minimal criteria for democracy focus on free and fair competition for political mandates and power as well as a certain political freedom which allows the participation of all citizens. This means general, free and equal elections, which are the central point of Dahl's definition of democracy. However, his definition which would more or less also apply to so-called electoral democracies,[3] is not sufficient and has to be extended with several other key elements. While liberal democracies go beyond the electoral minimum, electoral democracies do not (Schedler 2002, p. 37). Elections are a necessary, but not sufficient condition for democracy. Democracies should stick to the rule of law and not to the law of the ruler.

A common criticism of Dahl's criteria for democracy was his neglect of the institutional set-up. Institutions became an important aspect of transition theories as they dealt with a whole range of actors, starting from the head of government, the judiciary and ending with national conferences such as "round tables". Institutions structure and set the rules of the game of political competition and impact public policy through structuring political choice. Hence, "the study of political institutions is integral to the study of democratization because institutions constitute and sustain democracies" (King 2003, p. 7). From that point of view, institutions really matter, since their proper functioning is of great importance for the quality of a given democracy.

Larry Diamond's criteria for democracy (Diamond 1999) therefore emphasize the constraint of executive power by other government institutions such as parliaments, an independent judiciary and other mechanisms of horizontal accountability (Diamond 1999, p. 11). Additionally, he defines democracy more precisely and accurately by also stressing the importance of democratically elected, accountable actors and the subordination of the military to civilian authority. Other elements of democracy such as the rule of law, minority protection, the protection of human and civil rights, which Robert Dahl did not include, but Diamond explicitly states, complete the definition of democracy used in this study.

As already mentioned in the introductory chapter, the main target of this study is to analyse the performance of the functions of an important institution (parliament) in a certain political system (Indonesia). Therefore, I will pursue

in this study an actor-centred, institutionalist approach. Such an approach is an attempt to combine actor-centred and institution-centred approaches in an integrated framework. What is gained by this fusion is "a better 'goodness of fit' between theoretical perspectives and the observed reality of political interaction of purposive actors operating within institutional settings that, at the same time, enable and constrain these strategies" (Scharpf 1997, p. 36).

Institutionalism, as one of the oldest approaches in political science, is of particular importance for the research on parliaments since it underlines the influence of institutions on the actors related to them. It stresses that institutions are important players in their own right and not only dependent variables of economic, cultural and other social structures. As the actions of individual actors are generally neglected in pure institutionalist argumentation, however, a combination with actor-centred approaches seems appropriate. Analysing the concrete actions of the individual actors within a changing institutional setting provides a better understanding of the development of a political system. In the case of Indonesia, an actor-centred institutionalist approach refers to the Indonesian parliament, which shapes by its specific institutional settings the scope of action for the members of parliament and the factions. Neo-Institutionalists see political behaviour embedded in an institutional structure of rules, norms, expectations and traditions that severely limit the free play of individual will and calculation (March and Olson 1984, p. 736).

An institution in this sense can be defined as "a system of rules including not only formal legal rules that might be prosecuted by a court system but also norms that actors will generally respect and whose violation might be sanctioned by social disapproval, loss of reputation or withdrawal of cooperation" (Scharpf 1997, p. 38).

Institutions, such as parliaments, have a decisive influence on individual members and interactions, since the actors themselves depend on socially constructed rules for their actions and the expected reactions of their counterparts. In general, positive and negative incentives attached to institutionalized rules will merely increase or decrease the payoffs associated with particular action strategies and hence their probability of being chosen (Scharpf 1997, p. 39). If we assume that actors hereby follow their own material and abstract interests, there is a direct link with rational-choice theorists (e.g., Przeworski 1986), who tended to reduce collective behaviour to individual behaviour.

Institutions and institutional procedures provide an environment for interaction between different actors. They additionally provide a location where specific actors convene for deliberation and decision-making on certain issues under the predefined rules. The interactions between the actors are

institutionally conditioned, but their participation, their targets and relations with the actors are also determined by non-institutional factors (Mayntz and Scharpf 1995, p. 65). By adhering to an institutionalist approach, these factors, such as political culture and the socio-economic status are only the background for institutionally determined options for action.

## THE DEMOCRATIZATION PERIODS IN TRANSITION THEORY

The different periods of a transition process can be useful in elaborating the different roles and actions of the Indonesian parliament during the transition. According to the transition literature, a democratization process can be divided into three different phases: the liberalization period, the democratization period and the consolidation period (O'Donnell and Schmitter 1986; Bos 1994, pp. 85–87).

It has to be taken into account that not every transition away from authoritarian rule can be considered as a transition toward democracy. As Guillermo O' Donnell recently pointed out, they may as well lead to authoritarian regressions or to hybrid regimes (O'Donnell 2002, p. 7). Additionally, the described sequence of stages (liberalization, democratization, consolidation) do not necessarily take place in this strict order in a concrete case. Transition processes in several countries "did not go through the paradigmatic process of democratic breakthrough followed rapidly by national elections and a new democratic framework" (Carothers 2002, p. 15). This means that for this study, the outcome of the Indonesian democratization is not necessarily a fully-fledged democracy and that the sequences of the process might have deviated from the classical patterns. In Indonesia, the founding elections preceded major constitutional amendments so that democratization and consolidation were overlapping processes. Therefore, in this study, I deviate from the classical three-stage paradigm by regarding the time frame after the 1999 elections as an extended democratization period rather than the consolidation period (see Chapter 5).

In the terms of O'Donnell and Schmitter, the first period of a democratization process is the liberalization period, which occurs in the final years of an authoritarian regime (O'Donnell and Schmitter 1986). Following the definition of Juan Linz, an authoritarian regime is not a mixed form of various government systems, but a type *sui generis*.

Authoritarian regimes can be described as systems that have limited pluralism and no comprehensive ideology and do not require the extensive or intensive support of its citizens, except in their starting period. In authoritarian

regimes, a leader or occasionally a small group exercises power within formally ill-defined limits (Linz 2000, p. 159). Other main features of an authoritarian political system are depolitization and limited participation. The limited pluralism of authoritarian regimes must be considered as their most distinctive feature compared to democracies (and their unlimited pluralism) and totalitarian systems (monism) (Linz 1995, p. 40ff.; 2000, p. 161). The main problem of an authoritarian regime is its legitimacy. Authoritarian rulers "can justify themselves in political terms only as transitional powers, while attempting to shift attention to their immediate substantive accomplishments — typically the achievement of 'social peace' or economic development" (O'Donnell and Schmitter 1986, p. 15). The lack of legitimacy and/or the economic inefficiency of authoritarian regimes are the most powerful arguments used by opposition forces to criticize the authoritarian order.

According to O'Donnell and Schmitter, it is typical during a liberalization period for the ruling authoritarian elites to try to get more public support by launching small and controlled reforms. They do not intend to lose any of their power, but by granting more rights to the citizens they hope to increase their legitimacy. A liberalization period starts when the authoritarian rulers modify their own rules in such a way that individuals and groups have more rights. The main reason for such moves by the authoritarian elites is a pre-transition crisis — be it economic or political.

Generally, the legitimacy of most authoritarian regimes declines over time, as "choices are made, promises are unrealized, and frustration develop[s]" (Huntington 1991, p. 48). Economic crises however, often become the catalyst for regime change, as many cases demonstrated in the twentieth century. A deep economic crisis can result in a lack of legitimacy of the authoritarian regime. On the other hand, economic success can also result in a crisis for the authoritarian regime, because economic growth leads, according to structuralist transition theory, to the increase of well-educated middle classes, which gain more and more influence and demand political change (Merkel 1999, p. 125ff.). The end of authoritarian regimes can also be caused by internal political key events and constellations, such as the sudden death of the dictator (e.g., Franco in Spain), an unsolved succession of the leader(ship) or the murder of a prominent opposition leader (e.g., Aquino in the Philippines).

Another precondition in most democratic transition processes is a split between the authoritarian elites: "There is no transition whose beginning is not the consequence — direct or indirect — of important divisions within the authoritarian regime itself" (O'Donnell and Schmitter 1986, p. 16). These divisions can be caused by internal tensions due to power struggles and

by international pressure (Merkel 1999, p. 127). The national economic performance can also play an important role in causing splits. Economic success can contribute to ideological discussions or, more likely, economic failure can lead directly to internal splits in the ruling elites. Splits occur between so-called soft-liners favouring liberalization and hard-liners opposing it. The division between hard-liners and soft-liners can also take place in parliament. But, generally speaking, when a parliament exists in an authoritarian order, it is most likely tightly controlled by the executive or has little or no political weight.

The emergence of alternative ideas and the formation of opposition groups in the liberalization period are very important for a successful transition. "A regime does not collapse until some alternative is organized in such a way as to present a real choice for isolated individuals" (Przeworski 1986, p. 52). The ideas of the opposition have to be made public by more or less independent media, by public figures, or even by some dissenting members of parliament.

Another typical phenomenon in the liberalization period is the resurrection of civil society leading to public mobilization. In this study, civil society is conceived, according to the definition of Larry Diamond, as the "realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state", and "distinct from 'society' in general in that it involves citizens *acting collectively in a public sphere* to express their interests, … achieve mutual goals, make demands on the state, and hold state officials accountable" (Diamond 1994, p. 5).

In the scholarly literature on political transition, parliaments are assigned only a minor role in the starting of a democratization process. Generally, it is argued that this period is more dominated by social movements, which articulate their demands for democratization. In world history, parliaments rarely led a revolutionary movement (von Beyme 1999, p. 65) were in most cases not responsible for fast political change. They usually prefer to use their constitutional rights such as interpellation, budget amendments and, in parliamentary government systems, a vote of no confidence. In the last fifty years however, parliaments were involved in revolutionary regime change to a greater extent, since modern political parties with a mass basis were more often represented in parliament.

Authoritarian parliaments usually leave a heavy burden for their democratic successors. In Central and Eastern Europe, for instance, the "minimal" Soviet-style Assemblies (Mezey 1979) had to be completely transformed into democratic institutions. Institutional and internal structures are part of the country-specific political culture and are more or less inherited together with decision-making mechanisms.

In research on transitions, most studies conclude that parliaments in authoritarian regimes are not representative of the population, do not control the government and have no significant impact on legislation. Do these findings fit the Indonesian case between 1997 and May 1998?

The second phase in a political transition process is the democratization period. It is described by Ágh as "a chaotic, yet creative, period characterized by the coexistence of two systems (the old and the new)" (Ágh 2003, p. 44ff.). In this phase, the "institution-building" takes place. The establishment or democratic reorganization of the most important state institutions goes along with the introduction or expansion of political pluralism. The participatory rights of political parties and individuals are guaranteed. A new constitution is drafted or the existing is modified in a democratic way and the first post-authoritarian elections are prepared.

The creation or modification of institutions in the democratization period often closely resembles models of established Western counterparts. Additionally, as Olson recently pointed out, "political parties and interest groups, originating in their respective societies, resemble Western practices the least. Legislatures occupy an intermediate status, reflecting international influences upon constitutions, but also reflecting the unique attributes of the societies which they represent" (Olson 2002, p. 22). Legislatures are thus designed essentially according to their counterparts in established democracies, but their composition and behaviour reflects more the social reality of the country.

During the democratization period, one important discussion is the future role of the military or other veto forces in countries where they had a dominating role in the authoritarian order. The term "veto forces" refers to powerful groups and persons, which have no constitutionally based mandate for political action (Merkel 1999, p. 162).

The subordination of these actors under democratic and constitutional government institutions is decisive for the success of democratization. For O'Donnell and Schmitter, this means a gradual shift from the perception of military as the only provider of law, order and national unity to a system where civilians also maintain these responsibilities (O'Donnell and Schmitter 1986, p. 36). This problem also remains vital in the consolidation phase where powerful military forces are often still an obstacle for a fully-fledged democracy.

While parliaments are generally considered as less important in the beginning of a transition process, they can play a crucial role during the democratization period. David M. Olson argues that parliaments matter particularly in the phase directly after a regime change. He argues that "in

unstable regimes, they are threatened with dissolution by coup or party diktat. In stable democratic regimes, they are reduced to decorative impotence. It is in new democratic systems that parliaments have their greatest opportunity to act" (Olson 1994*a*, p. 35).

This statement highlights the great chances for decisive action for legislatures during a transition process compared to those in an established democracy, where parliaments become just one site among others in political decision-making. However, it is not only a chance but also a burden for the parliament to decide on important political matters such as basic constitutional questions in a new democratic order. The policy issues facing new parliaments are far broader than those ordinarily found in parliaments of established democracies. In the latter, the major constitutional questions have been settled, and the major structural issues of the political and economic system have been resolved. Ordinarily, their public policy disputes are narrower in scope, and proceed within a consolidated constitutional order.

After a regime change, parliaments have a two-fold function. Firstly, they are responsible for the removal of undemocratic residues from the authoritarian regime, resulting in a complete overhaul of the political system. Parliaments are therefore responsible for the inauguration of democratic rules. Secondly, they must either democratize their internal rules, procedures and decision-making processes or newly draft and establish them.

A problem of parliaments in the initial period after a regime change is the fluidity and instability of the party system at national level. Well-organized political parties usually do not exist in new democracies. Depending on the type of former authoritarian regime, opposition parties were either not allowed at all or only tolerated when they remained on the periphery. Therefore, the newly created or reanimated political parties which are then elected to parliament could have problems in efficient decision-making. The difference between government and opposition in parliament is often not clearly visible, since the party system is not yet well-established and is in flux. If there was a single or absolutely dominating government party — like in the Communist systems in Central and Eastern Europe — it has to be integrated in a new pluralistic and multi-party system.

Additionally, many practical obstacles impede the efficiency of newly composed parliaments, such as the lack of experienced members. Often they also lack the supporting facilities of space, equipment, and staff. Most importantly, the newly democratized parliaments have the problem that they can rely only on the authoritarian traditions and procedures, which are not adequate for democratic decision-making and for raising or resolving policy disagreements. Depending upon the duration of the authoritarian regime,

few in society have had any personal experience of democratic procedures. The legislators are responsible for making new decisions on new problems without guidance or experience. The actors and procedures — political parties and committees — tend to be rudimentary, as there are only weak democratic parliamentary traditions, if any (Olson 1994*a*, p. 37).

However, after a long period of authoritarian rule, parliaments become very important for the development of new democracies (Liebert and Cotta 1990). As presented by a study of Liebert and Cotta in Southern Europe (Spain, Greece and Portugal) in the 1970s parliaments were the central sites and parties the major actors of democratic transition. The autonomy and importance of parliaments is far greater in the fragile, new democracies because unlike established democracies, external sources of power like interest groups do not exist or are not well organized (Olson 1994*b*, p. 115). Since the scope of action is enormous, there is often a discrepancy between the opportunities for action and the ability to act. Newly democratized parliaments are often not prepared to take advantage of their unique opportunities.

A new democracy very often has to work continually to form a new or to amend the old constitution. The political rules may constantly change, and within this fragile and uncertain legal framework important decisions on the democratic changes have to be made. The transitional rules and procedures lead to a high degree of uncertainty. The constitutional vagueness regarding the political system and its institutions demonstrates the improvised and constantly changing rules and procedures within which the legislative and executive branches must work. Olson pointed out that

> The rules are in the process of definition as issues are faced and decisions made. The decisions are often made in the absence of clear constitutional rules. As rules and procedures are improvised, they become precedents for subsequent decisions. Each new democracy is inventing a constitution, bit by bit, every day (Olson 1994*b*, p. 127).

A revitalized legislature begins with its inheritance from the past. Unless they are altered, the rules and regulations of the authoritarian past continue into the new democratic era. To identify and reconsider all the authoritarian remnants as well as to agree on new procedures is a time-consuming task especially when it comes to the main task of defining the basic rules of the political game, the drafting or amending of a constitution. In the recent transition processes in Central and Eastern Europe, there was a common expectation that it was one of the initial tasks of the new legislature to write a new democratic constitution or to amend the existing document (Olson 1994*b*, p. 126).

A new democratically elected parliament should set a good example for the people of how democracy should work. When the parliament's members respect each other's views and can articulate clearly and freely their own opinions without hostility, citizens have an opportunity to witness the lawful practices of debate. They can also experience how conflicts over public policy and the democratic future of the nation can be resolved through peaceful negotiation.

The consolidation period marks the last sequence of a democratization process. It starts with a new and freely elected non-authoritarian government and lasts until the new political system is in a stable democratic condition (Bos 1994, p. 86). The starting point in most democratization processes can be defined quite easily, but the end of the consolidation period, meaning the presence of a fully-fledged democracy, is an open question depending on the criteria of the analyst.

Fully-fledged democratization does not end with making some modifications to an authoritarian government system, but requires a complete change of the government system. Consolidation of democracy means the effective functioning of democratic state institutions in a democratic political system, which enjoys a broad public legitimacy. The "rules of the game" should be independent of the ruling figures, groups and parties. Democratic consolidation can be described as a process which transforms the ad-hoc patterns typical for the democratization period into more stable structures and procedures which determine the rules governing political decision-making. The chances for consolidation depend largely on the specific type of authoritarian government and the course and results of the transition process.

Democratic consolidation depends to a great extent on extra-parliamentary actors such as civil society (Diamond 1994, p. 16). If a civic culture with the active and passive support of ordinary citizens for the new democracy can be reached, the chances for the survival of democracy increase.

In the consolidation period, there is often a discrepancy between the great expectations and the day-to-day practice in government and parliament. The general public and often the leaders of the transformation movement are disappointed when faced with the realities of the new democratic order, including parliament. The expectations put on the first freely elected parliament after a long time of authoritarian rule are high, and very often they remain unfulfilled.

In the first years after a regime change towards democracy, the public usually lacks patience when it comes to governmental and parliamentary decision-making. Because many important matters for the democratic future of the whole political system have to be debated thoroughly in an often

fragmented parliament, the institution tends to be seen as an impediment for rapid change. Debates can be time-consuming, and usually evoke considerable controversy within parliament. This leads to public dissatisfaction, as the people want their parliaments to solve the urgent problems of the country and not argue over "minor issues". However, these crucial constitutional questions are so vital for the further development of the democratization process that a thorough debate among the most important political groups is indeed necessary.

Thus, a well-functioning parliament during the consolidation period cannot only serve as a symbol for the consequent implementation of principles of democracy, representation, people's sovereignty and participation, but also as an arena to integrate political forces and to develop a fundamental consensus on political, social and economic principles. In post-Franco Spain, parliamentary negotiations during the constitutional drafting process and the first legislature from 1977 to 1982 were found to be "capable instruments in diminishing the traditional conflict between the Spanish Left, Right and the Nationalists, and became a 'symbol of tolerance' " (Liebert 1989, p. 2).

Liebert further stated that parliaments are crucial for the consolidation of new democracies because they can decisively contribute to reaching a fundamental consensus or historical compromise between a maximum of political and social forces under democratic conditions. During the consolidation period, parliaments become "major public arenas of partisan dispute, of encounters with social subjects, of negotiations and important decision-making" (Liebert 1989, p. 2). These important steps for democratic consolidation can be better reached by a parliament than by any other institution, be it an elected president, a coalition government or a hegemonic party.

However, the inclusion of all major political forces can lead to more difficulties in democratic consolidation when non-democratic forces or veto forces enter the game. The inclusion of such actors makes a consensus harder to reach, but also reduces the dangers for an authoritarian backlash initiated by these groups. The representation of non-democratic forces or veto forces in parliaments can be dangerous for an emerging democracy since they have a direct impact on political decision-making and can directly promote their undemocratic ideologies. At the same time the involvement of such actors in parliament can bring a certain transparency because they have to take a stance on all political issues and are not left in obscurity.

The consolidation of a new democratic political system depends to a great extent on properly functioning parliaments, in which people's representatives execute their constitutional rights and duties. When parliaments

have constantly changing and unstable majorities, are unproductive and too fragmented, the tendency for the whole political system to suffer grows. The historic example of the German parliament in the Weimar Republic (1919–33) showed how an unstable parliament contributed to authoritarian backlash in a new democracy.

The research on democratic transitions in recent years moved from "transitology" to "consolidology", which concentrates on the criteria and conditions for the establishment of a consolidated democracy. In earlier research on democratization, the pre-transition crisis, the regime change and the adjustments for the first free elections (founding elections) were the centre of the "transitologist" research. In recent years however, scholars have been more interested in the situation after these elections and the assessment of the state of democratic consolidation. This study adopts both approaches and seeks to analyse a combination of the different periods of transition with the start of the democratic consolidation.

## FUNCTIONS OF PARLIAMENTS

All legislatures have a number of functions to fulfill. The extent to which they accomplish these gives an idea of their significance in the political system. Variations in patterns of activities are vast, but in general, "the more powerful a legislature, the more comprehensive its functions will be and the more extensive will be its societal impact" (Smith and Musolf 1979, p. 44).

This study will not describe institutional structures and mechanisms as extensively as many institutionalists' approaches do, but will instead concentrate on the functions of an institution. This study therefore also includes a reference to the functional-structural approach, which political science adopted from sociology. In such a method, political behaviour and institutions are assessed according to their impact on the political system.

For a comparative research on parliaments or in case studies, such an approach has several advantages. Firstly, this approach does not refer — in contrast to causal explanation schemes — to a direct relation between a cause and an effect, but rather tries to identify the relationship between several causes and effects. Different groups of variables (individual behaviour, institutional data, etc.) can therefore be connected. Secondly, substantial similarities of the political systems are not emphasized, but rather functional equivalencies. Thus the same structures are not necessarily responsible for the fulfilment of given functions in different political systems (von Beyme 2000, p. 128ff.). Thirdly, a connection between the fulfilment of functions and parliamentary change is possible. Changes in the constitutional and structural

competencies also lead to modifications in the parliamentary functions (Obrecht 2004, p. 18). Therefore, the functional-structural approach enables one to observe the implementation of specific functions of a parliament in different regime types.

In this study, I will focus on the fulfilment of certain parliamentary functions. Only by doing this can a realistic assessment of the parliament's performance be approximated. However, as many social scientists acknowledge, it is very difficult to operationalize the functions of a parliament (Schüttemeyer 1987, p. 175).

The following section of this study seeks to define some criteria useful in measuring the fulfilment of the parliamentary functions. It has to be recognized that clear-cut scientific indicators cannot easily be found considering the research question and the prevalent methodology. Nevertheless, the results have analytical value since the study's criteria provide useful indicators for the assessment of the parliamentary functions and show that a qualitative change took place in the research timeframe.

The functions of parliaments are a classical subject of political science. Walter Bagehot already developed the main model as early as in 1867 referring to the British system of government at that time. According to him, the most important functions were the elective, expressive, teaching, informing and legislative function (Bagehot 2001). Bagehot underlined the importance of the elective function, but did not include a representative function, since general suffrage was not yet realized in Great Britain.

Uwe Thaysen analyses — in what he calls a timely recourse of Bagehot's catalogue — the German *Bundestag* as having the elective, articulation, initiative, control and legislative functions (Thaysen 1990, pp. 74–77). A recently published Ph.D. thesis by Marcus Obrecht gives a detailed overview showing the development of attribution of functions to parliaments by nineteen social scientists in the last 150 years. Without going into all the details, his compilation revealed that many functions can not be strictly separated and are instead fulfilled simultaneously (Obrecht 2004, pp. 20–24). He supported the statement by Susanne Schüttemeyer, who pointed out that the sum of parliamentary functions essentially remained the same (Schüttemeyer 1987, p. 178), even when they were elaborated by different authors and in different times.

In this study, I will concentrate on three main functions of parliaments: the representative function, the oversight function, and the legislative function. The other functions mentioned by other scholars shall not be omitted, but included as part of the three main functions. Table 2.1 shows the three main functions and their related functions. The reasons why I categorized them as

**TABLE 2.1**
**Categorization of Parliamentary Functions in this Study**

| *Main Functions in this Study* | *Related Functions* |
|---|---|
| Representative | Articulation<br>Teaching<br>Expressive / Communicative / Legitimating |
| Oversight | Elective<br>Budget |
| Legislative | Initiative<br>Policy-making |

*Source:* Compilation by the author.

related functions will be explained in the following section of this study which presents the main functions in greater detail.

As outlined above, parliamentary proceedings usually fulfil several functions simultaneously. For example, legislation is also part of the oversight function toward the executive. Therefore, there are some difficulties in isolating specific procedures and actions of parliament to one single function. However, this study seeks to group certain important operations of the Indonesian Parliament under a specific function while recognizing that they could also be categorized under another function.

In choosing to analyse three of the parliament's functions — representation, oversight and legislation — one has to consider the connections between these functions. Some tensions in the relation of these three functions can be observed. This refers especially to the contrast between representation (as close to the real population as possible) and efficiency, meaning stable parliamentary factions and clear majorities within parliament, which enable a smooth legislative process (Kraatz and Steinsdorff 2002, p. 318).

If the representativeness is very high, the formation of disciplined factions can be very difficult and thus the decision-making process rather inefficient. If the efficiency of legislation is very high, meaning that many laws are passed in a short time, it gives the impression that the representative function might be of less relevance. Therefore — from a normative perspective — each of the three functions should be performed to a certain degree, but an extremely high level of each occurring at the same time is nearly impossible. This can be seen even in well-established and reputable Western democracies.

## Differences of Parliamentary Roles and Functions in Presidential and Parliamentary Government Systems

The fact that the subject of this study — the Indonesian Parliament between 1997 and 2004 — was neither within the context of a pure presidential government system nor in a pure parliamentary government system makes the analysis of the performance of its functions even more complex and academically demanding. Legislatures have a different role to play in presidential and parliamentary government systems. Nevertheless, both can be regarded as central political institutions that influence or sometimes dominate their respective government systems. I will outline some features of parliamentary roles and functions in a presidential government system by using the U.S. Congress as an example before presenting the British Parliament as a case typical for a parliamentary political system.

In a presidential government system with its strict separation of powers, legislators are in a different position than their counterparts in parliamentary government systems. In the U.S. Congress "loyalty to the president, even of one's own party, is not always expected or rewarded. Thus, American legislators enjoy freedom of action virtually without parallel anywhere in the world" (Davidson 1990, p. 51). Unlike in parliamentary government systems, in the U.S. Congress straight party line voting rarely takes place. Since Congress members are directly elected, they are more likely to follow the majority opinion of their constituencies than that of the party leadership. Because of its great independence from other government institutions and party order, scholars of the American system of government argue that "in the family of the world's representative assemblies, the U.S. Congress is the most powerful legislative institution of them all" (Patterson 1990, p. 249).

In a pure parliamentary government system, such as in the United Kingdom, the election and dismissal of the government is controlled by parliamentary party groups (factions). The parties thus have much more dominance over their parliament's members. The party dominance becomes even stronger when a proportional election system, which gives parties the right to make a list of candidates, is applied. Thus, political parties are of central importance in a parliamentary government system. Political parties, which have the potential of aggregating millions of voters' opinions, can integrate these political desires and transform them into political actions. A rationalized form of parliamentarism, where party factions and not individual members act and decide, can contribute to a higher output efficiency of the parliament, which has a positive impact on the stability of the government system in general. Criticism on this so-called "party-state democracy", often

arises since the individual legislator has to follow the party line sometimes even at the expense of the wishes of his or her constituents. However, as a recent study on legislatures in the South American presidential government systems (Krumwiede and Nolte 2000) has shown, the phenomenon of rationalized parliamentarism can also occur in presidential government systems.

## Representative Function

As pointed out earlier, parliaments are the embodiment of people's sovereignty. According to the idea of representation, parliaments should represent the interests and opinions of all parts of the population. The representative function can be seen as the true common denominator of all sorts of parliaments, regardless of a country's political system (Laundy 1989, p. 11). The legitimization of political decisions is one of the main tasks of parliaments. The quality of this legitimacy depends to a considerable extent on the degree of parliamentary representation and the provision of an institutionalized arena for public debate.

Additionally, legislatures' legitimacy depends, among other factors, upon their closeness to the people, which can be guaranteed by regular elections and fixed terms of office. According to traditional democratic theory, citizens control policy-making "by choosing 'fiduciary agents' to act on their behalf, taking part in legislative deliberations in the same way that citizens would if they could be on hand in person" (Davidson 1990, p. 48). Even though this is practically impossible, since the representative cannot speak and act for many different opinions simultaneously, it is agreed that an elected representative should not completely ignore the wishes of his constituents.

Demographic characteristics are one way to analyse the conformity of representatives and constituents. Therefore a short analysis of the socio-economic profile of a legislature makes sense. As parliament is the most important institution to reflect the unity in diversity[4] of a society (von Beyme 1997, p. 359), a parliament should be composed of representatives of the most important societal groupings.

Policy responsiveness of a single representative can be measured by surveys. It is however methodologically very difficult to assess quantitatively the responsiveness of a whole legislature. A specific characteristic is the connection between the legislative arena and the public the legislative members represent. Another aspect of the representative function is the legislator's role as an intermediary between citizens and the state. Under this function, several activities of parliament can be subsumed: lobbying bureaucrats or dealing

with complaints of citizens on poor government performance or mismanagement and corruption among the executive members.

Legislators represent the population of their constituencies. Thus they have to take care of the general and specific interests that are prevalent in their territorial area. The success of re-election depends on the individual legislator's ability to channel government funds and services toward their constituency, especially when a majority election system is adopted. In such a system, members of the parliament are "expected to deliver or face electoral defeat" (Mezey 1979, p. 16).

It is therefore the task of legislators to care about the interests and demands of the people because they "enjoy an access to the central government departments and to members of the government that is unquestionably greater than that of most citizens" (Blondel 1973, p. 97). Citizens' demands since they should be taken seriously by their representatives were elected by then. It should be the legislator's responsibility to protect the main interests of his or her constituents in the development and implementation of public policy.

Legislatures ensure that there are ways for communication between the people and the executive. As a result, it should be possible for citizens to raise their demands in the decision-making process. If citizens feel that their interests are being represented, then they will be more likely to support government policies and the political order, meaning that democracy can be sustained by a good representation of citizens' interests. Legislatures therefore have a direct impact on the citizens' attitude toward the political system.

They also serve as important channels of communication and pressure. Legislators are expected to be responsive, meaning that they are in a permanent connection with the population they represent and that a mutual exchange of information and opinions is guaranteed. However, in many newly democratized countries, legislators tend to give the relations with their constituents only a low priority. In Central and Eastern Europe, the members of the post-communist parliaments rate attention to their district voters as less important than the tasks of either legislative or party work (Olson 2002, p. 23).

One aspect of representational activity is what Walter Bagehot called the "expressive function". In the work and deliberation of a legislature, many opinions of various sectors of society should be voiced. Nowadays, many scholars prefer to use the term "interest articulation" (Blondel 1973). The "effective articulation of interests will permit the more expeditious management of conflict and reduce the likelihood of disruption or instability in the political system" (Mezey 1979, p. 17). Since a productive debate in parliament

ensures that different opinions can be voiced and discussed, conflicts are therefore carried out with words and arguments rather than violent means.

Parliament should express the opinion of the population and voice the aspirations of the people. Symbolically, it should be the megaphone for societal interests. The expectations of mass and elite publics refer to those activities people want the legislature and its members to engage in. In an idealistic but still widely spread opinion, parliament shall be composed of "the best and brightest in the land", the most intelligent and able in the nation, so that they can represent their constituents in a way that is both responsive to the general public and beneficial to the needs of the nation.

A democratic state cannot systematically exclude important segments of its citizens from participation in policy-making (Close 1995, p. 3). Performing the representative function seriously demands first and foremost a democratic electoral system, which does not deny certain important political groups access to parliamentary mandates. In some, mostly authoritarian countries, members of parliament (MPs) are not popularly elected, but installed by appointment. "Such systems are based on some variant of the philosophy that there is a small group of people who are more deserving than others or will make better members of the assembly" (Smith and Musolf 1979, p. 12). Non-elective participation in legislatures, however, often lacks the legitimacy derived from public support. Incorporating a large majority of societal groups into the political decision-making process through legislative representation renders the political system itself legitimate in the eyes of the public. If elected, a people's representative should not be dismissed except for criminal activities.

The power of political parties over their elected representatives is relatively weak in presidential systems like the United States of America but stronger in parliamentary government systems. The power of party leaders over the rank-and-file member is stronger in parliamentary government systems such as the United Kingdom and Germany. In any case it is incompatible with democratic representative principles to give party leaderships the right to recall and replace their elected legislators (von Beyme 1999, p. 247), since they are the people's representatives. It is, however, a common practice in most democracies that parties can put their representatives under pressure by threatening to punish their dissent in the following elections. In a proportional election system, parties could either not place them on the party list, or place them in a bad position on the party list. In a plurality voting system, however, the party could nominate another candidate for the constituency.

In theory, a national parliament, as the people's representation, should be a mirror of the population of the country. Therefore, an equal

gender representation should be targeted as a goal just as poor and working class people should have adequate representation. However, as is commonly known, there are distortions in varying proportions in the social composition of parliaments. Usually legislatures around the world have an overrepresentation of well-educated, rich men belonging to dominant group(s) of society.

In democratic legislatures, the members tend to be in professional, business and managerial occupations and have university education. "In democracies, legislators … come from relatively advantaged, but not the most elite, sectors of society" (Olson 1994*b*, p. 27). Civil servants and lawyers are also dominant. One of the reasons for such a composition is the ever-growing complexity of legislative matters, which require expertise and a professional background.

Such a social profile has an impact, however, on decision-making in parliament. The overrepresentation of people from the upper classes of society has a tendency to ignore lower-class interests. However, not every person automatically represents the interests of his own social group. A well-off lawyer might fight for poor people, whereas a blue-collar worker might have no interest in representing lower-class people's interest.

The human dimension of parliaments is "particularly visible and acute in the newly democratized countries" (Olson 1994*b*, p. 13). It is common that reformers with no practical political experience are swept into people's assemblies, while all members of parliament with previous parliamentary experience are watched suspiciously.

A parliament must consist of a proper mix of newcomers and experienced politicians in order to work effectively. Too many inexperienced newcomers would likely have many problems as they are not familiar with the complex parliamentary rules and procedures. At the same time, a parliament composed of political fossils only is likely to be stagnant and less responsive.

In most political systems, political parties are the most important channel for parliamentary representation. Although the theory of representation underlines that citizens and not parties shall be represented in parliament (von Beyme 1999, p. 254), political parties have an enormous influence on if and how members of parliament can represent the people. Usually, they are the channel through which individuals are elected to parliament. This refers more to countries with a proportional election system in which voters elect party lists and to a lesser extent to countries with a plurality election system. In the latter, the candidates prefer to run for a party to increase their chances to be elected, but are much more independent from their respective parties.

Party discipline is also a point to consider. If legislators in parliamentary government systems have questionable loyalty to their party, the fall of the government could follow very easily and often. Additionally, if legislators put their personal interests above the national interest, the result would be an ineffective parliament. If they do not meet the expectations of their voters, because they stray too much from the party line and their undisciplined behaviour becomes regular, public dissatisfaction may be directed to the whole parliament since its actions become too unpredictable and erratic. However, too much party discipline results in less flexibility to form necessary compromises. Such behaviour produces less legislative effectiveness when partisan outweigh national legislative goals.

As a result, in most established democracies, especially in parliamentary government systems, some kind of "rationalized parliamentarism" has been introduced. This narrows the scope of action of individual legislators and gives more power to the party/faction leadership. As a result, the behaviour of legislators becomes more predictable and increases the stability of the government and the political system as a whole. However, there is a permanent tension between the representative function and the efficiency of parliament. If individual legislators truly represent their voters and to a lesser extent their party's interests, the output efficiency and the stability of parliament is likely to be low. The other side of the coin is high efficiency in rationalized parliamentarism, where citizens often feel not really represented by their legislators because every parliamentary policy output is seen as a product of party politics.

This leads to another important aspect of the representative function: the public image of parliament in the population. Policies that are made by representative institutions will be considered legitimate even if they are not very popular with the general public (Mezey 1979, p. 13). Legislatures can become weak in states with multi-party systems if legislative activity is hindered due to partisan squabbling. The legislature can then be viewed as irresponsible and inept.

For the establishment of democracy, the newly democratized parliament must be composed of supporters of the new democratic order. Otherwise, the whole new democratic political system is likely to collapse. The example of the *Reichstag* during the German Weimar Republic illustrates how radical parties from the left and right, which openly worked for an abolition of the democratic order, eroded the parliament's ability to act and discredited parliamentary legitimacy. In a working and established democracy, staunch supporters of democracy should dominate the composition of parliament.

In concluding this chapter on the representative function of parliaments, I will list the criteria that will be checked in the different periods of the main part of this study: Representation of societal interests, social profile/personnel composition (inclusiveness), parliament's responsiveness to dealing with the problems, requests, and needs of mass publics, as well as the public opinion of the people's representation.

## Oversight Function

In recent years, scholars rated the oversight function as one of the most important, "while deprecating the presumed obsolescence of legislatures as law-making institutions in modern 'technocratic' or 'managerial' society" (Smith and Musolf 1979, p. 52). Parliaments are of special importance for new democracies since they distribute power among many people and parties and keep authoritarian tendencies in check. Executive dominance, typically a phenomenon of authoritarian regimes, can be diminished by a critical and effective parliament.

Some functions of legislatures are constrained by the system under which the legislature operates. In a parliamentary system, the legislative oversight function has a different meaning than in presidential systems, since the government (often consisting of a coalition of political parties) usually has a majority within parliament. It is more difficult for legislatures in presidential government systems than for parliaments in parliamentary government systems to influence the government since, unlike a prime minister, a president possesses his own base of legitimacy as a result of his direct election.

Legislatures must compel executives to supply them with the information they need to establish control. The oversight functions of parliaments may have two recipients. First, they want to focus public attention on the actions of the executive branch via media reports. This is particularly important for parliamentary supervisory mechanisms such as interpellations, investigative committees and hearings. The more or less hidden agenda of such actions is mostly not to clear up executive irregularities, but to produce public interest in the cases concerned. Thus the effectiveness of parliamentary oversight depends to a certain extent on parliament's cooperation with the mass media (Döring 1996, p. 52). Secondly, legislators address the members of the executive branch directly and pressure them to act more lawfully and efficiently. Legislatures have the task to classify "mistakes" of the executive as such. These procedures usually do not take place in the spotlight of the media, but are nevertheless important for parliamentary oversight.

Thus, to watch and control the executive, or more specifically the government, is one of the main tasks of representative assemblies. The capacity to control the potential excesses of executive initiative and power is considered a basic task of parliaments. In liberal democracies, legislators are expected to gain policy concessions by using their capacity to criticize, embarrass, delay, and obstruct the government. The idea that legislators should intervene with bureaucrats and the government on behalf of citizens carries a heavy emphasis of the representative function (legislators as representatives of the people). Legislators can use the above-mentioned techniques to act as a "watchdog", guarding the people's interests against the executive policy-makers and exposing corruption, lack of efficiency and irresponsible actions (Mezey 1979, p. 16). In liberal democracies, elections are the ultimate instrument to keep rulers answerable to citizens. In the period between elections however, other institutions — prominently among them parliaments — have to take over this role.

Legislators who are aware of their responsibility should warn against harmful developments, which erode democracy. They should be among the most prominent and important watchdogs of democracy. The instruments and "weapons" parliaments usually have against their respective governments are investigative committees and question periods, in which legislative committees call administrators to account for their actions and conduct investigations of government policies. It is of high public interest when a legislature summons cabinet members to "grill" them publicly. Additionally, legislators are expected to make recommendations either to the public or to the government.

Another criterion which I rate as part of the oversight function of parliament is the elective function. Bagehot defined the elective function as one of the major functions of the British House of Commons. It has the function of an electoral body for the executive branch of government. In parliamentary systems, it is the responsibility of parliament to elect a government and then either to support or oppose it. In presidential government systems, the president is usually not elected by parliament but directly by the people. As will be explained in Chapter 5 in greater detail, Indonesia between 1997 and 2004 had elements of a presidential government system but also some elements of a parliamentary system of government (most prominently the election of the head of government by the MPR). I will therefore assess to what extent Parliament fulfilled its oversight function by using its influence on the election of the top executive and the government, military leaders and judges in the different periods of the Indonesian transition process.

The elective function is usually one of the functions of parliament because in parliamentary government systems the national assembly has the right to elect the head of government, usually a prime minister. In Indonesia, Parliament is involved in the election of the president. Therefore, in this study the elective function will be dealt with as part of the oversight function. Since the Indonesian President is accountable for his actions to the MPR, Parliament has the ability to control the actions of the President and can pressure the President's political decisions.

In a parliamentary government system, parliament is, because it elects the government, the "initiator of the initiator" (Thaysen 1990, p. 75). Many parliaments, themselves elected bodies, are also electoral bodies for many other institutions. Especially in parliamentary government systems, their most important task is the election of the prime minister and the government. In Germany, for example, Articles 63 and 64 of the Basic Law (*Grundgesetz*) give the national parliament, the *Bundestag*, this responsibility. Together with the right to recall the prime minister, Parliament has the possibility to decide on the current government. Thus, the elective function of parliaments in parliamentary government systems is one of their most important functions. In this study, I will treat the elective function as part of the oversight function of parliament, since with its abilities to elect certain positions, parliaments curtail the powers of government. The elective function is an integral part of the supervisory duties of a parliament, since the parliament is able to control the selection mechanism for top state executive positions. By having an important say in personal appointments of these officials, parliament can effectively control the executive branch.

Such a form of parliamentary oversight belongs to the category of "immediate control", which can be defined as having direct impact. A more indirect kind of oversight is the parliamentary implementation of its mediator function between people and executive when no direct sanction possibilities exist.

Another long-standing parliamentary oversight competency is the control of the budget. The state's budget is an estimate of the public expenditures and income over a given period, generally a year. The power of the purse is a classical means for parliaments to exercise influence and control over the executive. As this is also the case in Indonesia, the budgetary function will be discussed as part of the parliamentary oversight function.

Concluding, the criteria for the execution of parliament's oversight function in this study are the following: to what extent parliament controls the actions of the government; in a more general sense, the relationship of parliament with the government or president. What sort of working relationship do both institutions share in the spectrum between confrontation and harmonic

cooperation? Is it more a fully autonomous institution, or rather a submissive body? The use and frequency of investigative committees to exercise oversight, and the election of new government, military leaders, and judges. Were the executive's favoured candidates simply waved through or did parliament exert a large influence?

## Legislative Function

Legislation is the centre of political decision-making, since all actions and rights are determined, granted and limited by laws. The word legislature is often used for a people's representation. It literally means law making (from Latin *lex*, *legis* and *ferre*, *latum*). This already indicates that legislation should be the major task and function of parliaments. The involvement of legislatures in the creation of laws is widely seen as their central and most fundamental function. "Legislatures were created primarily to deliberate on the laws and to pass them" (Blondel 1973, p. 12). Legislation can be defined as the creation of general and compulsory rules for all members of a certain social entity. In a state, which is — actually and not only rhetorically — based on the rule of the law, legislation is therefore of utmost importance.

However, history has shown that this original main task of parliaments has passed to governments and their executive structures, e.g., ministries. Today, in most countries the institutions described as legislatures, "even by the most generous standards, could not be considered law-making bodies" (Mezey 1979, p. 3). Findings like this are not only valid for authoritarian or semi-democratic government systems but also for well-established Western democracies. It was demonstrated quite conclusively that executives had long since taken over law-making functions, so that the "established" legislatures no longer played a major role in making laws. These findings specifically apply to parliamentary government systems, where a parliamentary majority elects and supports the government. A classic example is the British House of Commons. In general, legislatures in presidential government systems are more strongly involved in legislation as the initiator and an autonomous power compared with parliaments in parliamentary government systems. In the latter, as parliamentary majority and government are congruent, it is usually the government that initiates the legislation that will later be passed by the parliamentary majority without major modifications.

Legislatures do not make laws in the full sense of the word. To state that legislatures are to make laws is to refuse to recognize that most legislation implies a preparation at the technical level and a modicum of agreement

between various interested parties, which cannot be achieved in a legislature (Blondel 1973, p. 134).

In presidential government systems, usually both sides — president and legislature — have the right to initiate legislation. However, other than in parliamentary government systems, the influence of the legislature on the law-making process is much stronger, since the legislators are more independent from the government. Some recent research (Krumwiede and Nolte 2000) shows that in presidential government systems too, the law-making function rests, to a great extent, in the hands of the executive when the president has a broad majority of supporters in parliament.

From a technical or managerial approach, the legislative function of parliament becomes increasingly less important since it is not deemed to be essential to the formulation and review of laws. It is argued that elected representative institutions do not have the ability to deal effectively with the complicated and complex characteristics of modern society. Many specialists in the executive offices insist that they have a better and broader understanding of the complex matters of legislation than the legislators.

However, legislation remains a major function of parliaments. Legislatures that play a minor role in initiating policies (for example, by the proposal of bills) still perform "what might be called a deliberative function" (Mezey 1979, p. 7). They discuss and amend bills originating from the executive and have thus a major influence on the product — the law they pass. Determining the final shape of a law — even when it was initiated and drafted by the executive branch — is therefore a prerogative of parliaments.

With their influence on legislation, parliaments still have influence on the direction and contours of public policy-making. In Central and Eastern Europe, many scholars complained that the deliberations and the decision-making on laws lasted too long and that agreements were hard to reach in the light of the stubbornness of the new legislators. Additionally, laws produced by an inexperienced parliament in a new democracy were often estimated as insufficient and of poor quality.

Another problem is the implementation of the passed laws. When other state institutions (government, bureaucracy, and judiciary) are unwilling to or incapable of guaranteeing a smooth implementation of the new laws, the importance of parliaments also comes to its limits.

In order to assess how a parliament, in this case the Indonesian DPR, has fulfilled its legislation function, the following questions shall be answered. How many laws were passed by the parliament per year, and how many came from a parliamentary initiative? This number should indicate how active

parliament was in the field of legislation and how important its role in the whole decision-making process is. Are there examples in which parliament was responsible for major modification of bills introduced by the government? If yes, what kind of modifications? Did it make use of its possibility to veto legislation which was prepared by the executive? And, in a more general sense, did parliament's legislation contribute in a positive or negative way to the democratization process?

Summing up, the criteria which will be used for the assessment of parliament's legislative function are: a) the number of bills. A systemic political change necessitates a general overhaul of the previous legislation. Therefore the sheer number of passed laws already gives a rough impression of the parliament's activities in relation to the democratization process. b) The modification of bills; c) the democratic contents of the bills/laws. This criterion asks whether the legislation advanced or hindered individual and human rights. Did the laws have any significance for the institutional engineering of the democratization? What was parliament's impact on the different policy fields, and d) on the deliberations and the final outcome of the national budget?

## Notes

1 For an overview of the debate on the criticism of parliament see Hofmann and Riescher (1999, p. 140ff.), Obrecht (2004) and von Beyme (1999, p. 162ff.).

2 Particularly Joseph Schumpeter's theory of democracy as a competition among elites which has influenced several generations of political scientists. For example, Samuel Huntington explicitly embraced Schumpeter's emphasis on electoral competition as the essence of democracy (Diamond 1996, p. 21).

3 Electoral democracies, according to the definition of Larry Diamond, commonly acknowledge the need for minimal levels of civil freedoms in order for competition and participation to be meaningful. Typically, however, they do not devote much attention to the basic freedoms involved, nor do they attempt to incorporate them into actual measures of democracy" (Diamond 1996, p. 21).

4 The national motto of the Indonesian Republic is "Unity in Diversity" (*Bhinneka Tunggal Ika*). A proper representation of the major societal groups in parliament is therefore essential for maintaining the national unity in ethnically divided nations such as Indonesia.

# 3

# RUBBER STAMP? The Role of the Parliament during the Last Year of the Presidency of Suharto

The first parliament assessed in this study resulted from the general elections in June 1997 and was the sixth legislature in the authoritarian *Orde Baru* regime. During the authoritarian rule of President Suharto, the Constitution of 1945 remained the legal foundation for the state's institutions. Because of its unclear formulations and the dominant role of the president, it was very suitable for an authoritarian regime. The poorly developed system of checks and balances can be seen in the clauses concerning the national parliament, the DPR (Articles 19–22). As the regulations were so completely insufficient, it is worth listing them:

> Article 19 (1) The composition of the parliament shall be prescribed by law. (2) The parliament shall meet at least once a year.
>
> Article 20 (1) Every law shall require the approval of the parliament. (2) Should a bill not obtain the approval of the parliament, the bill shall not be resubmitted during the same session of the parliament.
>
> Article 21 (1) Members of the parliament have the right to submit a bill. (2) Should such a bill not obtain the sanction of the president notwithstanding the approval of the parliament, the bill shall not be resubmitted during the same session of the parliament.
>
> Article 22 (1) In the event of a compelling emergency, the President has the right to issue government regulations in lieu of laws. (2) Such

> regulations shall have the consent of the parliament during its subsequent session. (3) Where the approval of the parliament is not obtained, the government regulations shall be revoked.
>
> *Source:* Stockmann (2004, p. 256)[1]

The Constitution of 1945 did not mention elections, but simply stated in Article 19 that the composition of the DPR should be determined by law. During *Orde Baru*, an election law was passed in 1969 and amended in 1975, 1980 and 1985.

The general elections of 1997 were the last in the *Orde Baru*, and they had much in common with the previous in 1971, 1977, 1982, 1987 and 1992. They all had the same proportional electoral system and the three participating parties had remained the same since 1977. Elections, usually taken to be a hallmark of democracy, can also become a tool of authoritarian power holders seeking to legitimize their rule (Schedler 2002, p. 36). This description fits all elections of the *Orde Baru* perfectly. Elections under Suharto were "a useful façade constituting a second-line claim to legitimacy behind economic development and political stability" (King 2003, p. 5).

Elections in liberal democracies give the voters the choice to select among different alternatives. In the first elections of *Orde Baru* in 1971, only nine political parties and Golkar, the acronym for *golongan karya* (functional groups), were allowed to participate. Golkar was created not as a political party but as a corporatist organization, which should — according to its ideological founders — represent the entire spectrum of society (Fremerey 1994, p. 410). On the contrary, the Golkar faction in the DPR acted "as the legislative representative of the army and the bureaucracy" (Schwarz 1994, p. 271) and as a quasi-government party. Schwarz described Golkar "as a proxy for the parliament as a whole. It embodies what Suharto believes a parliament should do — implement the government's policies, not participate in the formulation of these policies" (Schwarz 1994, p. 271). Golkar was one of the pillars on which Suharto's authority was founded in addition to the military and the bureaucracy. Golkar's internal three-lane-structure included the military, the bureaucracy, and the party. The whole organization was guided by Suharto throughout the *Orde Baru*.

To further consolidate his own power, Suharto initiated a restructuring of the party system in 1973. With the exception of Golkar, all existing political parties were dissolved and two new parties were allowed to organize. The United Development Party (PPP, *Partai Persatuan Pembangunan*) was established as a replacement for all former Islamic parties, while in the Indonesian Democratic Party (PDI, *Partai Demokrasi Indonesia*), all former

nationalist, Christian, and secular parties were merged (Fremerey 1994, p. 410; Schwarz 1994, p. 32; Ramage 1995, p. 32). Although formally independent, these two parties were under the tight control of the government and limited in their rights. They should have but did not work as opposition parties to the dominant political organization Golkar. Using the terms of Giovanni Sartori, Indonesia during *Orde Baru* had a limited party system with a hegemonic party (Sartori 1976).

The elections in 1977, 1982, 1987, 1992 and 1997 therefore offered little choice for the Indonesian voters, since their options were limited to Golkar, PDI, or PPP. Even though this nominal choice existed, elections during *Orde Baru* were strongly manipulated in favour of the government vehicle Golkar.

Despite all these features, there were some competitive elements, which are typical for an authoritarian government system and its characteristic limited pluralism (Linz 2000, p. 161). The smaller parties could win or lose some votes and consequently seats in parliament, but never got a real chance to endanger Golkar's dominant position. The results presented in Table 3.1 therefore show the continuity of the election results, which were more or less the same during *Orde Baru* and predictable to some extent. Golkar received between 62.1 and 74.5 per cent, PPP between 16.0 and 29.3 per cent and PDI between 3.1 and 14.9 per cent of the votes.

**TABLE 3.1**
**Elections in the *Orde Baru***

| *Party* | *1971* | *1977* | *1982* | *1987* | *1992* | *1997* |
|---|---|---|---|---|---|---|
| Golkar | 62.80 | 62.11 | 64.34 | 73.16 | 68.1 | 74.51 |
| PPP | 27.11 | 29.29 | 27.78 | 15.97 | 17.0 | 22.43 |
| PDI | 10.09 | 8.60 | 7.88 | 10.87 | 14.9 | 3.06 |

*Source:* Suryadinata (1998, p. 199); figures in per cent.

The elections held in *Orde Baru* were "effectively a legitimacy tool for the New Order regime" (Sulistyo 2002, p. 77), because the high numbers of votes for Golkar supposedly showed the people's support for the government. Elections served more as "a means of political mobilization. As political machinery for the regime, elections did not allow for any meaningful political competition between different parties, programmes or ideologies" (Sulistyo 2002, p. 78).

In the general elections of 29 May 1997, Golkar garnered its best election result during *Orde Baru* with 74.5 per cent of the votes. This result is contradictory, since despite growing opposition, the numbers seemed to reflect increasing support. This makes sense only when one considers that the elections of 1997 were generally described as the dirtiest of the New Order. With a set of manipulations and restrictions, the authoritarian government paved the way for the land-slide victory of Golkar. The campaign period prior to the elections was the bloodiest and most violent the New Order had ever seen (Eklöf 1997, p. 1188; Suryadinata 1998, p. 198; Ufen 2002*a*, p. 293). About 250 people died during the twenty-seven days allotted to the campaign period (Suryadinata 2002, p. 33). The violence was largely the result of social and political grievances that were vented during the tense atmosphere of the election campaign. Additionally, the opponents of Golkar were discriminated against, e.g., the effective campaigning time for PDI and PPP was reduced to nine days. The text of all leaflets as well as speeches on radio and television had to be submitted five days in advance to a special screening committee constituted for this purpose by the Minister of Internal Affairs, in his capacity as Chairman of the National General Election Institute (*Lembaga Pemilihan Umum*).

Compared to previous elections, the number of people and organizations disillusioned with the unfair elections swelled enormously in 1997 and the call for a boycott was a common feature among critical voices. Leading opposition figure Megawati Soekarnoputri rejected the elections, saying that they had a "legal defect" (Eklöf 2003, p. 281).

Dubbed *Golongan Putih* (literally the "White Group") more and people who opposed the authoritarian government decided to refrain from voting or deliberately cast an invalid vote. In the absence of any other indications, a large number of votes for the government's party was a matter of prestige for the government, and any large decrease would tarnish its public image. *Golongan Putih* seems to have been particularly strong among students. According to statements of student organizations, "polls held at a number of universities — Universitas Indonesia in Jakarta, Universitas Gadjah Mada in Yogyakarta, and Universitas Airlangga in Surabaya — indicated that around 50 per cent of the students intended not to cast a valid vote" (van Dijk 2001, p. 20). One of the main opposition figures, Megawati Soekarnoputri proclaimed that she herself would not cast a vote.

The overwhelming "victory" of Golkar in the 1997 elections — the greatest margin Golkar ever received — was in reality a backlash and foreshadowed the end of the authoritarian regime. As Dwight Y. King argued, the election result undermined the consensus aspects of the political system,

rendering the proportional system of representation ineffectual in bringing about an inclusionary ethos (King 2003, p. 41). Additionally, Golkar's landslide victory in a heavily manipulated election left a growing number of educated Indonesians and parts of the political elite frustrated and thus increased the pressure for political change.

## YES-MEN AND CRONIES: THE REPRESENTATIVE AND ARTICULATION FUNCTION

Critical voices sometimes compared the powerless DPR during *Orde Baru* with its predecessor in Indonesian history, the *Volksraad* (People's Council) under Dutch colonial rule. Introduced in 1918, a large majority of so-called Indonesian representatives appointed were not elected. It had only a consultative function and, in general, did not oppose the Dutch colonial policies. Haji Agus Salim once described the *Volksraad* as a "chat comedy" (*komidi omong*) because debates in the council did not have any impact on the colonial government. Mohammad Hatta, one of the most important leaders of the Indonesian independence movement, said that the *Volksraad* was "not only worthless, but also dangerous since it misrepresents our people" (Haris 1998, p. 270). Was there a similar misrepresentation of the Indonesian people in its own parliament during the *Orde Baru*?

The seats in Indonesian parliament during *Orde Baru* were distributed according to the results of the general elections held every five years. As there were only three parties allowed to participate after 1971, these parties shared all the parliamentary mandates. Additionally, seats were reserved for the military (ABRI), which will be discussed later. In all parliaments elected in the *Orde Baru*, Golkar always had the majority of seats.

**TABLE 3.2**
**Parliamentary Seats in the DPR**

| | *1971*[2] | *1977* | *1982* | *1987* | *1992* | *1997* |
|---|---|---|---|---|---|---|
| Golkar | 261 | 257 | 267 | 299 | 282 | 325 |
| PPP | 94 | 99 | 94 | 61 | 62 | 89 |
| PDI | 30 | 29 | 24 | 40 | 56 | 11 |
| ABRI | 75 | 75 | 75 | 100 | 100 | 75 |
| Total Number of Seats | 460 | 460 | 460 | 500 | 500 | 500 |

*Source:* Document provided by the General Secretariat of the DPR.

The candidates of the parties were all appointed by their respective national party leadership. This centralist mechanism was not democratic because it did not involve locally based party structures. In fact, the floating mass principle did not allow such structures. The concept of floating mass, one of the main political principles of the *Orde Baru* and typical for most authoritarian regimes, referred to keeping the people unaffiliated with political parties and uninvolved in partisan politics except for the general elections every five years (Ufen 2002*a*, p. 93ff.)

Whether a candidate was accepted as doing a good job for the people that he or she should represent had no impact on their becoming a legislator. More important was the relationship with the few leaders in the party's headquarters in Jakarta. Therefore, one principle of representation — the connection of the elected legislator with his voters — was very weak. Legislators were not an intermediary between citizens and the state, they were other functionaries of the state. In Central and Eastern Europe, such people were often named "apparatchiks".[3]

No functionary type, Aberson Marle Sihaloho, legislator from 1988–97 and since 1999, harshly criticized the composition of the DPR in the *Orde Baru*. According to him, the Constitution of 1945 was misinterpreted because the members of the DPR should represent the people and not political parties. Every member should be elected by the people and not by the parties.[4]

Even more discriminatory was the mechanism of dropping candidates off the party lists by government institutions. After a Presidential Decision in 1990 (Keppres 16/1990) all candidates of elections during the *Orde Baru* were required to be approved by the National Screening Committee, which included government representatives and representatives from the military agency, the Coordinating Agency for the Maintenance of National Stability, *Bakorstanas*. The process, called "special investigation" (*Penelitihan Khusus*, *Litsus*), screened candidates for their adherence to Indonesia's state philosophy *Pancasila*, and for any links to banned political organizations. The screening was used by the government apparatus to ward off outspoken candidates who might criticize the government (Haris 2004, p. 28). Very often, the government agency struck candidates off the list who were regarded as not loyal enough toward the government. 257 prospective candidates (106 of PDI, 130 of PPP, 21 of Golkar) were screened out in the preparation for the 1997 elections as a result of this process (Rüland 1998, p. 145). As the figures show, especially high attention was paid to candidates of PDI and PPP, from which most of the failed candidates came.

The representation of the people was clearly distorted by the exclusion of candidates. Another example of distortion was the reserved seats for the military (ABRI). In the Guided Democracy (1957–65) and the New Order (1965–98), 100 seats were reserved for the military (ABRI) which included the police forces. In 1997 this number was decreased to seventy-five. It was argued that the reserved seats were necessary because the military and police personnel had no right to vote, but had to be represented in parliament. This argument is flawed, however. Since military and police units only amount to one per cent of the Indonesian population, they should have received only a few seats in the DPR. The obvious overrepresentation is due to the military's position as one of the main pillars of the authoritarian system and a major political force in Indonesia.

Reserved seats are in general a violation of democratic principles on the composition of parliaments, where all seats should be contested.[5] The people's representatives receive their legitimacy through their election by the people. In the case of the ABRI faction in the DPR, they did not have such legitimacy.

The military bloc in the DPR operated under military instruction and voted as a unit. The link between the parliamentary bloc and the ABRI headquarters for many years was through the chief of staff for socio-political affairs (Rabasa and Haseman 2002, p. 47). The ABRI faction was described, however, not as a pure hard-line group. Retired Brigadier General Sembiring Meliala, who was a member of the ABRI faction from 1987 until 1992 and since 1999 was a legislator from PDI-P, described the ABRI representation in the DPR as the only faction that was courageous enough to voice criticism against Suharto.[6] Golkar and ABRI were closely related, as ABRI belonged to the Golkar family (*keluarga Golkar*). Suharto was the most important link between the two, as he was both the ABRI commander-in-chief and the leader/patron of Golkar.

According to the idea of representation, a person who is elected as a representative of the people has to fulfil his or her representative function until the end of the set term. An early termination of this mandate is only possible by his or her own will or by death. In the Indonesian parliament during the *Orde Baru* however, the government often forced elected members of parliament to vacate their mandate with the so-called recall mechanism. In such a case, a faction dismissed (recalled) — under pressure from the government — legislators who were judged as too critical and replaced them with more loyal Suharto supporters.

In 1995, a member of the Golkar faction, Bambang Warih Kusuma, was recalled for criticizing the oil policy of the government. Another example was

the case of Aberson Marle Sihaloho. This member of Indonesia's national parliament was sentenced to nine months' imprisonment on 21 July 1997 after he had been convicted of "insulting the Indonesian President" and "other government organizations such as the armed forces and the parliament".[7]

Then fifty-eight-years-old and a member of the PDI, Aberson Marle Sihaloho was charged in connection with comments he was alleged to have made during a free speech forum on 13 July 1996 following the ousting of Megawati from the party leadership. He faced three charges: First, violating Article 134 of the Indonesian Criminal Code which punished "insulting the president" with a maximum of six years' imprisonment; second, violating Article 154 which stated that "the public expression of feelings of hostility, hatred or contempt toward the government" is punishable by up to seven years' imprisonment; and third, violating. Article 207 which punished publicly insulting "an authority or public body" with a maximum of one year and six months' imprisonment. At least two members of the Indonesian armed forces (ABRI) who had been involved in monitoring and recording the free speech forum appeared during Aberson Marle Sihaloho's trial to testify for the prosecution. One of the soldiers, First Corporal Suratno reported that Aberson Marle Sihaloho stated "our freedom has been stolen and we are being colonized again under Suharto's thirty-year leadership" and "legislators no longer represent the people's interests but they serve the conglomerates".[8]

In January 1997, the Committee on the Human Rights of Parliamentarians of the Inter-Parliamentary Union (IPU) made a confidential decision concerning his trial. IPU expressed its fears that Aberson Marle Sihaloho "may be prosecuted for having exercised his right to freedom of expression" and reminded the Indonesian Government that the "right to freedom of speech is at the heart of parliamentary democracy and is essential to the meaningful exercise of any parliamentary mandate".[9]

Another member of parliament, Sri Bintang Pamungkas of the PPP, was "recalled" from his party and lost his seat in parliament in 1995. On 5 March 1997, he was detained under the Anti-Subversion Act. His arrest and detention were related to greeting cards that he sent to mark the Muslim festival of *Idul Fitri*. The cards, signed by Sri Bintang Pamungkas, contained three demands: First, boycott the 1997 parliamentary election; second, reject the re-election of President Suharto in the 1998 presidential elections; and third, prepare a new government for the post-Suharto period. One day before his arrest, "a number of members of parliament had asked the authorities to act, as they considered the texts provocative and insinuating" (van Dijk 2001, p. 21). Additionally, Pamungkas was charged for allegedly calling Suharto a dictator when answering questions after a lecture in Berlin.[10]

In a resolution adopted on his case in April 1998, the IPU stated that it "remains deeply concerned at the new prosecution of Sri Bintang under the Anti-Subversion Act, and fears, in view of the evidence cited to substantiate the charges, that he is being prosecuted for acts which are part of the proper functioning of a parliamentary democracy … and reiterates its previous concerns regarding Sri Bintang's prosecution for insulting the President of the Republic, in particular its fear that he may well have been prosecuted and sentenced on account of considerations other than those of a judicial nature".[11]

As in the case of Aberson Marle Sihaloho, the intervention of the IPU in favour of Sri Bintang Pamungkas remained unanswered by the Indonesian government. It showed however, that the democratic right of speech of the legislators was suppressed by artificial, judicial means. It is quite obvious that members of parliament under such conditions cannot properly fulfil their articulation and information function. In voicing the opinions of various sectors of society, legislators need to be guaranteed their right to voice criticism against the government.

Another example of this silencing of legislators was the fact that the use of microphones during the plenary session of the MPR in March 1998 was arranged in such a way that only the six faction leaders could use them. This was to prevent any potential interruptions by ordinary members. In 1988, Brigadier-General Ibrahim Saleh interrupted a plenary session and protested against the nomination of General Soedharmono as the candidate for the vice presidency. This remained the only unexpected critical statement during the more than thirty years of *Orde Baru* MPR sessions. Prior to the general session of the MPR in March 1998, Golkar's Abdul Gaffur warned that members of Golkar "who interrupted during the plenary session would be recalled. To further ensure their loyalty, Golkar members of the People's Congress were presented with a form they had to sign, affirming they would support the nominations of Suharto and Habibie" (van Dijk 2001, p. 142). During most of the *Orde Baru*, very few MPs dared to express a critical opinion on governmental affairs. According to legislator Sembiring Meliala, the parliament's members feared the government so much that they were even afraid of the *Ria Pembangunan* (group of wives of ministers).[12]

However, the increasing restiveness of the parliament in the years prior to the regime change was exemplified by the fact that some legislators openly registered their dissent to government policies and were recalled by their factional leadership (Ufen 2002*a*, p. 290ff.). Additionally, the confidence of the legislators grew steadily as they slowly became aware of the societal changes around them.

Among these changes was the development of a civil society free from government control. With economic growth, more and more people became educated and financially independent. At the end of the 1990s a "whole new generation with no memory of Indonesia before the New Order had been exposed to Western ideas and grown critical, or simply bored with, prolonged authoritarianism" (Liddle 1999, p. 59).

According to proponents of structuralist democratization theory, parliament could have been an advocate of the interests of these newly emerging social groups, particularly for the better-off middle classes who demand political representation and political influence. In Indonesia, however, the middle class was embedded in the authoritarian state-controlled political system and was not an opposition force (Robison and Goodman 1996; Becker, Rüland and Werz 1999). As it adopted the paternalistic attitude of the government, parliament cared very little about demands for political influence. According to legislator Dimyati Hartono, the aspirations of the people were not canalized in parliament, but only the interests of Suharto and his supporters.[13] Additionally, even more powerful politicians "lacked the means to bring about change constitutionally but feared that a more confrontational approach involving mobilization of their followers might trigger chaos that would play into the hands of hard-liners" (Aspinall 2005, p. 220).

Discontent with the political regime and opposition against the authoritarian system grew during the 1990s. More and more political criticism led to the emergence of a heterogeneous opposition movement united in opposition to President Suharto. His "political intransigence and his personalistic domination of the upper reaches of the ruling elite … set the state on the path of confrontation with an increasingly disillusioned and mobilized civil society" (Aspinall 1999, p. 137).

The growing demand for political reform was not only a result of internal developments in Indonesia but also was influenced by the democratization processes in other Asian countries such as Thailand, the Philippines, and South Korea.[14] To a lesser extent, the political changes in Central and Eastern Europe could also have had some impact (Tirtosudarmo 1992, p. 127; Ufen 2002*a*, p. 328ff.).

Because there was little trust in the democratic credentials of President Suharto, the military and the bureaucracy, many reform-oriented intellectuals set their hopes for a more democratic future in the DPR (Haris 1998, p. 269ff.). While the idea of political reform grew among educated and politically interested circles, the parliamentarians themselves had a very limited

relationship with these opposition forces. Public support for their demands would have endangered their political careers as well as their privileges. Parliament therefore became, only to a very small extent, a forum where reformist positions were voiced publicly during the *Orde Baru*.

As in other authoritarian regimes, opposition was often "channeled into formally apolitical organizations of cultural, religious, or professional character" (Linz 2000, p. 169). Increasingly, through a slow but persistent process, the DPR became somewhat more independent from the Suharto regime in the last years prior to its end. As other state institutions like the corrupt and inefficient judiciary were even less trustworthy, the DPR started to become the destination of grievances, petitions, and complaints of ordinary citizens. The fact that such grievances were typically addressed to the DPR was "in itself sign of the growing political stature of the body" (Rüland, Jürgenmeyer, Nelson and Ziegenhain 2005, p. 46). The opposition usually did not gather in front of the presidential palace, but addressed their grievances to the legislators. Parliament received a growing number of delegations in the years prior to the regime change. While between 1990 and 1992 around 2,000 people per year were received in the DPR for voicing their aspirations and demands, the number grew to about 7,000 between 1993 and 1995, reaching about 15,000 in 1996 and 1997 (Ufen 2002*a*, p. 296). These numbers again underline the growing responsiveness of the DPR toward citizens' demands.

The parliament building in Jakarta's Senayan district was therefore "a prime target for demonstrators, and a likely epicentre for any unrest, which might erupt" (van Dijk 2001, p. 18). In May 1998, during the turbulent days prior to Suharto's resignation, more and more student delegations visited parliament and its members in an effort to convince them of the necessity of political change. Only then did most parliamentarians realize that the institution they occupied represented the people and that the time for foot-dragging had passed. Among the students' demands was the strengthening of the role of the DPR in the political system at the expense of the executive. To prevent further abuse of power by the president, they also insisted upon a stronger control of the government by the DPR (Bhakti 1999, p. 175). Besides the students, many well-known and well-respected public figures put the parliamentarians under pressure to act. Their ranks included retired high-ranking military officers and public servants who had turned from being key figures in the New Order's military and civil administration into supporters of regime change. Former chairman of the DPR and the MPR (1992–97) Wahono was also one of the supporters for an extraordinary MPR session to end Suharto's presidency.

## Nepotism in the Composition of the DPR

The 1997 elections brought an unusually high percentage of newcomers to the DPR. Sixty-two per cent of the 425 elected members were elected for their first term. Some scholars argue that this resulted from a government-initiated rotation to curb parliament's influence. The government preferred newcomers as long-term parliamentarians could gain too much experience and influence, thereby endangering the government's control over the DPR (Rüland 1998, p. 165ff.). While this might be true, another explanation was the changing social context, especially the "Islamization"[15] of Golkar, which brought many new Islamic Golkar members into parliament and reduced the number of Golkar members with a military background. The number of Muslims in the Golkar faction grew from 78.4 per cent (221 of 282) in 1993 to 87.7 per cent (285 of 325) in 1997.

The patron-client relationship, typical of most Asian societies, was also visible in the social profile of the DPR. Within Golkar, other leading figures used their influence to bring in new DPR members with close personal or professional ties who could thus be trusted as supporters. Examples are the large number of former HMI (*Himpunan Mahasiswa Islam*, Islamic Students Association) cadres, who got a parliamentary seat under the protection of HMI's former chairman Akbar Tandjung or persons from ICMI (*Ikatan Cendekiawan Muslim Se-Indonesia*, Association of Indonesian Muslim Intellectuals) who were supported by their chairman B.J. Habibie.[16]

Most of the legislators at the end of the *Orde Baru* had their permanent residence in Greater Jakarta, even though they were listed under their "home" provinces. Syamsuddin Haris later described them as bureaucrats, celebrities, client-business people, former officials and relatives of government officials, rather than people's representatives (Haris 2004, p. 33).

Nepotism was a common practice in the selection of candidates during the *Orde Baru*, especially among the appointed candidates for the MPR. This was usually described by the acronym AMPII (*anak*, *menantu*, *ponakan*, *istri*, ipar) "indicating that a person had the best chance to enter a list of candidates or to become an appointed member of the People's Congress if he or she were a child, son- or daughter-in-law, nephew or niece, wife, or brother- or sister-in-law of a person who held a position of power" (van Dijk 2001, p. 57). The family of President Suharto was especially well-represented on the Golkar party list. Four children (Siti Hardiyanti Rukmana, Siti Hediyati, Bambang Trihadmojo, Hutomo Mandala Putra), one daughter-in-law (Halima Trihadmojo) and two half-brothers of President Suharto (Sudwikatmono and Probosutejo) were nominated on the Golkar list for the general elections.[17]

Therefore, it is correct to say that the composition of parliament was hand-picked or "personally designed by Suharto"[18] and other leading *Orde Baru* figures. It was a place where "cronies and time-servers could be rewarded or side-lined and where a ritualized pretence of democracy could be played out" (Sherlock 2003, p. 4). The carefully controlled and manipulated electoral process severed the link between the legislators and his or her constituency (Schwarz 1994, p. 272). The work of parliamentarians during this time was usually described jokingly with the five "D verbs" (*datang*, *daftar*, *duduk*, *diam*, *duit*), which can be translated as "show up, register, sit down, shut up and take the money". In most cases, legislators had little or no connection with their constituency and the area they nominally represented.

## Balance between Soft-liners and Hard-liners in Parliament

Following the actor-oriented democratic transition theories of O'Donnell and Schmitter, a split between soft-liners and hard-liners of the ruling elites takes place in the liberalization period. In the case of the Indonesian parliament, it is very difficult to estimate the balance between these two groups.

Parliament during the *Orde Baru* was dominated by parliamentarians of the government vehicle Golkar and the armed forces, both of which were in general very loyal to President Suharto. Parliamentarians from the two small quasi-opposition parties, PPP and PDI, were selected by the executive and remained under tight control while in parliament. The two smaller parties were a kind of government-sponsored opposition, since they did not have their own substantial financial resources and relied on government funds for organizing their party affairs (Rüland 1998, p. 231).

Golkar was definitely the main actor in the DPR because this group comprised by far the biggest number of MPs, 282 of 500 between 1992 and 1997 and 325 between 1997 and 1999. Schwarz predicted in 1994 that the ability of Golkar "to absorb and respond to public pressures will determine the extent to which parliament plays an active role in making Indonesia more democratic" (Schwarz 1994, p. 275).

It is not difficult to conclude that the Golkar faction was dominated by hard-liners, but was it really? Until the last days of Suharto, soft-liners demanding political reforms were hardly visible within the Golkar faction. As Akbar Tandjung put it, "Golkar was the extension of power of President Suharto."[19] Jakob Tobing, legislator for Golkar faction from 1968 to 1997 said later that there existed a certain reform-minded group within Golkar, in which we could talk openly, but only behind closed doors.[20] He described his fellow legislators as very pragmatic or opportunistic, while others were not in

the least reform-minded. He complained that the internal checks and balances within Golkar did not work at all, because only those figures who were supporters of Suharto acquired higher positions. Slamet Effendy Yusuf, a legislator from Golkar, said since the early 1990s, reform-oriented people came into his faction. He said that he sent a paper to Rachmat Witolaer (then general secretary of Golkar) and DPR chairman Wahono explaining that President Suharto had already ruled for too long, that the president is responsible to the MPR and that it is thus not right that the president is virtually installed before the MPR session even convenes.[21] As a consequence of his critical statements, he was not re-elected to the party's leadership board (*Dewan Pimpinan Pusat*, DPP) but could remain in the DPR. The discussions on the early nomination of the president continued after the general elections in 1997. Shortly after the results were announced, Golkar's deputy secretary-general Moestahid Astari and Golkar's general chairman Harmoko stated that their party should not wait until March 1998 when the general session of the MPR was scheduled to announce Suharto as its candidate for the presidency but should do so in October 1998 (van Dijk 2001, p. 52).

According to Slamet Effendy Yusuf, a lot of people in the Golkar faction thought, in the beginning of 1998, that Suharto's power was excessive, that his economic and political performance was unsatisfactory, that there was too much corruption and that the security situation in the country had worsened.[22] Akbar Tandjung went in the same direction when he stated that President Suharto could not tackle the monetary and financial crisis, which discredited his leadership qualities.[23] Another critical point for the soft-liners was the role of Suharto's family within the party, The growing nepotism marked by the selection of Suharto's daughter, Siti Hardiyanti Rukmana "Tutut", as member of the Golkar leadership board and Suharto's son, Bambang Trihatmojo, as treasurer of that body, were received very critically by some Golkar faction members. The connections between business interests and the influence of the Suharto family on national politics were simply too extreme, according to Akbar Tandjung.[24] Another legislator of the Golkar faction, Rully Charul Azwar, said there were many legislators in his faction who were bored (*bosan*) or fed up with the over thirty-year leadership of Suharto.[25] Akbar Tandjung agreed when he said that the faction felt that Suharto has been in power for too long at the end of the 1990s.[26] There was a growing gap between the "almighty" Suharto and the rank-and-file Golkar faction members. Psychologically, the atmosphere deteriorated because many people thought Suharto's power was excessive.[27]

The growing criticism against Suharto's leadership is an implication of the changing personal composition of the Golkar faction in the DPR. After

the elections in 1997, the Golkar faction changed a great deal and at least fifty-one newcomers came into parliament, who supported much more political change than the "old generation" of Golkar legislators did. A majority of these newcomers had an Islamic background. Suharto himself promoted the rise of political Islam in the early 1990s in order to stabilize his political power. To achieve this goal, he created ICMI (*Ikatan Cendekiawan Muslim Se-Indonesia*, or Indonesian Muslim Intellectuals Association) which included a wide range of popular Muslim intellectuals. ICMI, which soon became one of the most important elite bureaucratic groups inside the regime, was intended to act as a pressure group to give Muslims a greater say in Golkar and thus also in Indonesian politics (Liddle 1999, p. 48ff., Ufen 2002*a*, pp. 267–70). To control this organization, he gave his loyal, long-time minister B.J. Habibie the chairmanship. In 1997, many politicians with ICMI background (for example from the Islamic student organization *Himpunan Mahasiswa Islam* (HMI)) entered parliament as members of Golkar, some of them with political intentions that differed from Suharto's. According to Tommi Legowo from the Jakarta-based Centre for Strategic and International Studies (CSIS), "Suharto to ICMI was like Dr. Frankenstein to his monster. Suharto created ICMI in order to get support from the Islam community, but his own creation could not be controlled by him anymore and killed him in the end."[28]

As mentioned above, it is very difficult to determine the balance between hard-liners and soft-liners in the Golkar faction, but it seems that more reform-oriented forces were in the Golkar faction after the 1997 elections than before. The impression of deep rifts within Golkar grew when on 11 February 1998, after a meeting of the central board of Golkar, it was announced that they had two candidates for the vice presidency: Harmoko and Habibie. The formal mentioning of two names was unprecedented in the history of the *Orde Baru*. On 16 February 1998, after a heated discussion in the central board of Golkar, Harmoko withdrew his candidacy in favour of Habibie, whom President Suharto preferred.

## Split of the Ruling Elites

Within most actor-oriented transition theories, a split of the ruling elites is one of the most important precursors to regime change. Often, this can be the dissassociation of certain parties or groups from the authoritarian government. In the liberalization period in Indonesia, one of the most obvious splits took place in the quasi-opposition party, PDI, in 1996. Some of its most prominent leaders were also members of the DPR charged with representing the people.

It is thus important with regard to the representative function of parliaments to analyse the split within PDI. In 1993, Megawati Soekarnoputri was elected as new chairwoman of PDI. She soon emerged as a symbolic figure for political change in the country. In 1995, scholar M. Ryaas Rasyid wrote about her: "She has emerged from national politics as an independent leader. … She is undoubtedly a charismatic leader who is capable, in the long run, of challenging the continuation of the existing rule. Her independent attitudes in dealing with the state and her popular political approach have attracted many young people" (Rasyid 1995, p. 155). Her popularity derived to a great extent from her charismatic father Soekarno, who — having the image as an advocate of the small people — proclaimed national independence, became the first president of the country, and is still widely revered as a national hero.

Member of parliament since 1987, Megawati became a threat for the government because of her growing popularity. As a result, she was ousted from her own party in a government-organized party congress in Medan in March 1996 and replaced by the government-backed chairman Soerjadi. Protests against the suspension of Megawati spread throughout the archipelago, culminating in violent clashes between Megawati supporters and ununiformed army members supported by hired hoodlums at the PDI headquarters in Jakarta on 27 July 1996. The violent events, which have come to be known as *Sabtu Kelabu* (Grey Saturday) left, according to figures released by the National Human Rights Commission (*Komnas HAM*) 5 dead, 74 missing and 149 wounded (Liddle and Mallarangeng 1997, p. 170; Eklöf 2003, pp. 265–67).

In the end, Megawati and those in the party loyal to her split from the PDI and called their version of the party PDI-Perjuangan (Struggle). Legislator Dimyati Hartono, talking about the PDI members in parliament after the ousting of Megawati as chairwoman in 1996 said "the critical members were not recalled but kept silent and stayed MPs until the elections in June 1997. They had no other choice. They were in danger of being accused by the Attorney General."[29] In parliamentary elections in June 1997, only the official PDI was allowed to participate and Megawati and her followers lost their seats. The Indonesian electorate responded in its own way to the governmental intervention and support for the Suharto-loyal PDI dropped dramatically from 14.9 per cent in 1992 to 3.1 per cent in the 1997 general elections.

The government-provoked split in the PDI was one nail in the coffin of the *Orde Baru*. While the outspoken wing of the PDI had been incorporated in the authoritarian system in the national parliament until the 1997 general

elections, PDI-P afterwards became a powerful extra-parliamentarian opposition party. Though the PDI-P lost its official voice in parliament, the government had less control over the party than when it participated in parliament. The non-representation of popular political leaders like Megawati led to an enormous loss of legitimacy of the parliament.

The poor performance of the official PDI in the 1999 elections produced a problem for the functioning of the DPR, since the party could — according to the provisional election result — gain only ten seats. This was not enough to be represented in all eleven parliamentary committees. The government initially suggested correcting the electoral outcome for PDI by simply transferring some thousands of Golkar votes to the PDI. As this proposal was questioned by legal experts and the PPP faction, to the surprise of many, the final election result for the PDI in the province of North Sumatra increased substantially by about 20 per cent compared to the provisional result (Eklöf 2003, p. 281ff.). As the final results of the general elections were announced, the PDI received an additional seat from the province of North Sumatra and a total of eleven mandates. This case underlines again how elections were manipulated during the *Orde Baru* and how the principle of parliamentary representativeness was pushed aside for practical reasons.

## STABBING A FATHER IN THE BACK: THE OVERSIGHT FUNCTION

The DPR had the function to support — and not to check — the government during *Orde Baru*.[30] In this time, parliament was widely seen as just a rubber stamp institution of the government (*setempel pemerintah*).[31] Similar to many legislatures in developing countries, the Indonesian parliament was long subordinate to the executive, sometimes to a point of functional irrelevance. It provided posts for the government's party faithful, passed laws almost automatically and was peripheral to the business of governing (Close 1995, p. 2).

During the liberalization period, proposals of modification for the existing authoritarian order could have been an indicator for a parliament playing a more active role. In Indonesia however, very few ideas deviating from the government line were voiced in the DPR. The role of parliament in *Orde Baru* was estimated by current parliamentarians as "very weak"[32] and it "had nothing to say"[33] until 1998. It had more a formal or symbolic character[34] under the dominant executive. Schwarz wrote in 1994 about the DPR: "It is in short, as effective as the government wants it to be. Like a child, the parliament is displayed for visitors (and foreign legislators and donors) but

otherwise is expected to be seen rather than heard" (Schwarz 1994, p. 272). In the Suharto-system, all parties and organizations (e.g., ABRI) were not subjects but treated as objects and thus every legislator was nothing more than an object of the authoritarian government.[35]

## Rights of the DPR

In Part VII of the general clarifications of the 1945 Constitution,[36] the DPR was granted the right to ask for a special meeting of the MPR, in which the president had to deliver an accountability report. It was allowed to do so when the president had seriously violated the state's guidelines defined by the MPR. In 1967, in a unique action, the DPR already called for a special session of the MPR to dismiss then President Soekarno. He was accused of being involved in the communist *coup d'etat* attempt of 30 September 1965 and his ideology being a threat to the safety and the integrity of the nation. Since the 1970s, the DPR formally had the right to demand clarification from the executive, as well as the right to investigate. Even though they had the legal and constitutional possibility to dismiss the president, the legislators never thought of using this right during *Orde Baru*. MPR Decree No. III/1978 introduced a procedure that after two memoranda the DPR had the right to demand a special session of the MPR to which the president had to deliver an accountability report for his policies.

In July 1980, thirty-two members of the PPP and PDI faction proposed to create an investigative committee (*panitia angket*) on the state-owned oil company PERTAMINA. After debating this proposal in several DPR boards, the steering committee (*Bamus DPR*) dominated by Golkar decided in November 1980 to drop the proposal. This was the last time during *Orde Baru* that DPR members or factions used their right of inquiry and asked for an investigative committee. According to the law and the rules of procedure (*peraturan tata tertib*), the DPR always had the right of inquiry. Twenty parliamentarians could have demanded the establishment of an investigation committee.

Every five years, the president was required by the constitution to deliver an accountability report to the MPR. Since Suharto strictly controlled the composition of the MPR, and Golkar and ABRI always had a majority in the MPR, the acceptance of the accountability report was always a formality during the *Orde Baru*. During the reform era, the possibility to decide on the accountability report of the president gave the MPR a decisive tool to flex their muscles. Habibie in 1999 and Wahid in 2001 were cases in point.

## Rising Opposition

According to Linz, "the limited pluralism of authoritarian regimes … lead[s] to complex patterns of semi-opposition and pseudo-opposition within the regime. There is a semi-opposition by groups that are not dominant or represented in the governing group and that engage in partial criticism but are willing to participate in power without fundamentally challenging the regime" (Linz 2000, p. 168). Does this statement fit with parliament's role in the last years of the authoritarian *Orde Baru*?

A first period of a more critical parliament emerged at the end of the 1980s, when Suharto officially declared more openness (*keterbukaan*).

> On a series of issues between 1989 and 1991, the parliament parted company with the executive branch and adopted an increasingly critical stance. It objected to higher utility prices, jumped on the "openness" bandwagon, supported criticism of press censorship laws … and even made the occasional disparaging remark about the business empires of Suharto's children. On many of these issues, military representatives took leading roles, a fact which did not go unnoticed in the presidential palace (Schwarz 1994, p. 274).

Suharto reacted with a reshuffle among the military's representatives and gave more support to Islamic groups to strengthen his support. Other critical civilian MPs were downgraded on the party lists for the 1992 elections. "Several of the most outspoken members of the existing parliament were scratched or moved so far down the ranks as to have no chance of re-election" (Schwarz 1994, p. 274). Marzuki Darusman (Golkar), one of the MPs demoted by Suharto in 1992, stated: "After five years of heightened parliamentary profile, Suharto has completely overturned the norms of debate which have developed in recent years. The message is that Suharto doesn't want the parliament to be a participant on the national debate" (quoted in Schwarz 1994, p. 274).

The parliament elected in the 1997 general elections started its terms with the beginning of the Asian financial crisis. The DPR, however, seemed to continue its previous stance as an institution subordinated to the president. A. M. Fatwa, who became a legislator after the 1999 elections, wrote that after the general elections in 1997, there were apparently strong tendencies in the legislative body in Senayan to maintain the old political format. The legislators even intended to further strengthen the presidential powers. This conservatism came from the strong belief of the legislators that the political system of the *Orde Baru* with the absolute power of the president was successful (Fatwa 2003, p. 56).

With the deepening economic crisis, however, DPR legislators slowly started to change their minds. A continually voiced critique during the end of Suharto's rule was the demand for a limitation of the presidential terms in office. At the end of 1997, the PPP faction in parliament requested that a limit to the number of terms in office of an Indonesian President should be a topic to be discussed by the People's Congress session in March 1998. Supporters of Suharto, like Golkar's deputy-general Moestahid Astari, described such ideas as "a violation of the Constitution, which left the matter open" (van Dijk 2001, p. 53). Opposition figures like Amien Rais insisted that the MPR should "not make the collective mistake its predecessor had made prior to 1965 when it appointed Soekarno president for life. A seventh term in office for Suharto would amount to the same" (van Dijk 2001, p. 60).

The DPR rarely used its constitutional privilege to question top executives. With the beginning of the economic crisis of 1997, however, it started to make use of this instrument. On 19 November 1997, Finance Minister Mar'ie Muhammad had to answer a summons for testimony in the DPR. He was questioned about the relationship of the State Bank (*Bank Indonesia*) with several other banks who were in trouble as a result of the emerging financial crisis. The summoning of the Finance Minister must, however, not be regarded as a very government-critical step by the DPR as Suharto also publicly disapproved of him.

Open disagreement with Suharto was not clearly visible in the DPR during the first two months of 1998. DPR chairman Harmoko declared on 10 February 1998, that all 500 parliamentarians supported Suharto's financial steps to stabilize the currency. At the beginning of March 1998, with the economic crisis worsening and public opposition against President Suharto growing steadily, manifested by student's demonstrations and public unrest, the parliamentary factions became more and more critical toward authoritarian regulations.

During the general session of the MPR in March 1998, PPP and PDI demanded to lift some restrictions that characterized the Indonesian political system. They asked for permission to establish branches at village level, which the floating mass principle so far had blocked. Another wish was for the involvement of political parties in the organization of the general elections. Both PDI chairman Soerjadi as well as PPP chairman Ismael Metareum complained that the president had failed to discuss the need for political reform in his speech. Soerjadi noted that the president had failed to mention the problems of corruption and business monopolies (Eklöf 2003, p. 286).

In general however, most observers concluded that — despite the ongoing economic and political crisis — "hardly a murmur of dissent" (O'Rourke

2002, p. 74) was heard in the MPR throughout the eleven-day session in March 1998. In stark constrast to the previous MPR session in 1993, the PDI, in the forced absence of the Megawati wing, made no significant contribution to promote political change or reform in the assembly. At the same time hundreds of thousands of students rallied on campuses all over the country "to deride the manipulated show of harmony in the MPR" (Mietzner 1999, p. 74).

Before the MPR session, some Suharto critics and reform-minded forces in Indonesia hoped that at least some progress towards reform could be achieved by the assembly. Those hopes were quickly dashed by the uncritical — at least in public — attitude of the MPR, by the smooth appointment of Suharto and Habibie, and some days later, by the composition of the new presidential cabinet which included no reformers, but only military hard-liners and Suharto's closest cronies such as timber tycoon Bob Hasan and his daughter Siti Hardiyanti Rukmana (Ufen 2002*a*, p. 480). Only a few weeks later, the growing dissatisfaction of the DPR with the government and the new cabinet became visible, when PPP and PDI representatives proposed a complete reformation of the political system by changing the most contested political acts.

On 29 April 1998, the five chairmen of the DPR visited President Suharto, informing him that for the first time in its existence, parliament was going to use its right to introduce new bills, one on monopolies, one on the protection of consumers, and one on the pilgrimage to Mecca (*hajj*). The chairman of the DPR, Harmoko from Golkar, took up the proposals of the PPP and PDI faction and announced as an answer to the ongoing public demands for reform, that parliament was going to revise the five political acts of 1985 and the Anti-Subversion Act. Observers assessed this unprecedented initiative of the DPR as "a show of independence" (van Dijk 2001, p. 186) or "the beginning of the end of parliament's role as a rubber-stamp institution" (O'Rourke 2002, p. 88). Even the ABRI faction in the DPR was ready for the revision of the five political acts, while other senior military representatives outside parliament refused this idea and also rejected an extraordinary session of the MPR.

As shown before, there was growing dissent in the parliament toward the authoritarian government of Suharto, especially from the soft-liners within the Golkar faction. However, they kept silent until the people's dissatisfaction with the president became clearly visible. With the economic crisis, popular protest against Suharto's leadership reached new dimensions. According to Rully Chairul Azwar, legislator of the Golkar faction, the key momentum for public criticism came when the economic crisis continued.

In 1997 and early 1998, virtually nobody in Golkar dared to criticize Suharto in public, but when public turmoil grew in intensity, the reform-oriented MPs had to react.[37] Akbar Tandjung later idealized the growing dissatisfaction within the Golkar faction when he said that his faction simply listened and supported the aspirations of the people, which demanded the replacement of the president.[38]

On 17 May 1998, thousands of political activists, mostly students from universities in Jakarta, peacefully occupied the DPR building in Senayan. The parliament's leadership and the parliamentary factions were asked by student delegations to demand Suharto's resignation. The occupation of the parliament building was an expression of the students, as the vanguard of the reform movement, to underline their demand for the resignation of Suharto. They physically set the DPR/MPR leadership under pressure and "emboldened former sycophants plucked up the courage to stab Suharto in his aging back" (McBeth 1999, p. 23).

Military units, mostly marines, let the students gather in the parliament's compounds, communicated in a friendly way with them and made no efforts to compel them to leave. Some long-term observers were reminded of the military's support for anti-Soekarno demonstrations in 1965–66 (Schwarz 1999, p. 363). The military approval of the occupation of the parliament buildings showed the parliamentarians that the military — or at least parts of the military — had joined the demands for reform (Mietzner 1999, p. 81). The image of thousands of demonstrating students with flags and banners on the roof of the green DPR/MPR building depicted on the cover of this book remains one of the most remarkable symbols for the beginning of the regime change.

The DPR could no longer resist the demands for reform. On the morning of 18 May 1998, top opposition leader Amien Rais and other reform activists were invited for a discussion with a DPR committee. Having won the support of the members of the parliamentary committee, Amien Rais declared that the days of the *Orde Baru* were numbered and thus Suharto must step down very soon. He further pointed out that the whole political landscape had changed dramatically. Therefore, a regime change and a peaceful reform (*reformasi damai*) without bloodshed were needed. If Suharto stepped down then, and in a constitutional way, it would have been the only possibility for him to save face (Fatwa 2003, p. 63).

In the afternoon of 18 May 1998, the parliament's leader, DPR Chairman Harmoko (Golkar) organized a press conference and proclaimed publicly "that the DPR chairman as well as his vice-chairmen hope, that for the sake of the nation's unity and cohesion, the president should wisely and sagaciously

resign".[39] Indonesian social scientist Irawan believes that the leadership might have in fact contemplated such a declaration even in the days before the students occupied the parliament building, but under the psychologically important direct pressure, they finally came to this declaration very quickly (Irawan 2002, p. 40).

The statement of the DPR leadership came as a great surprise to the general public, since DPR chairman Harmoko was known as a close friend and long-term ally of Suharto. Legislator Rully Chairul Azwar described Harmoko as always pro-Suharto, but he let other opinions in Golkar have a chance.[40] When even the extremely loyal Harmoko, whose villa in Surakarta has been the target of a fire set by protesters some days earlier, distanced himself from Suharto, the DPR vice-chairmen had to follow. Therefore, during his speech, DPR Chairman Harmoko was accompanied by his Vice-Chairmen Abdul Gafur (Golkar), Syarwan Hamid (ABRI), Ismail Hasan Metareum (PPP) and Fatimah Achmad (PDI), who supported Harmoko's step. When Harmoko made the DPR's leadership decision public, "his words were greeted with applause by the journalists present. Some wept" (van Dijk 2001, p. 199). Syarwan Hamid, former armed forces chief-of-staff for social-political affairs and responsible for the raid at the PDI headquarters in 1996, jumped from his seat at the end of the press conference, raising his fist in jubilation at the stand they were taking (Forrester 1999, p. 4, Schwarz 1999, p. 359).

Suharto was sent a letter in which the leadership of parliament asked for an audience in the afternoon of 19 May 1998, "a bold step, as it was usually left to Suharto to determine date and time" (van Dijk 2001, p. 199). The rules of procedure of the DPR stated that a final decision of the parliament can only be made in accordance with all faction leaders. Consequently, a meeting with the DPR leadership and all faction leaders was fixed for the next day. Although Harmoko made his statements in his function as chairman of the DPR/MPR, they had many implications for Golkar. There was a certain group of supporters (about forty legislators of Golkar) for Harmoko's attitude, who signed a letter of support on the same day. But there was also a group within the Golkar faction who disagreed with Harmoko's opinion. The opponents of Harmoko's declaration argued that Harmoko did not have the right to speak for the Golkar faction. For example, General Secretary Ary Murdiono said that a decision on the request for Suharto's resignation had to be discussed in a plenary session of the Central Executive Board of Golkar (Irawan 2002, p. 33), which was then convoked in the same evening. Others demanded that Harmoko and Abdul Gafur, then vice-chairman of the DPR from Golkar, who signed the declaration as well, resign immediately (Irawan

2002, p. 41). The DPP chairman from South Kalimantan, retired Colonel Soenarso, declared that Harmoko has committed a fatal mistake, because Harmoko should never have answered to the demands of the reform movement (Irawan 2002, p. 41).

Legislator Rully Chairul Azwar from the Golkar faction reported, that "we had several internal sessions where some people like Indra Bambang Utoyo or Bahriyoen Soetjipto argued pro-Suharto and others (mostly from the younger generation) like Ekky Syahruddin, Fachmy Idris, Ferry Mursyidan Baldan or Slamet Effendy Yusuf wanted to remove him. The public and student pressure was growing and we had to face the reality that we could no longer hold on to Suharto. The national situation escalated and riots became more and more violent. There was a real war within our faction (*perang dalam fraksi*)."[41]

On the same day, in the evening of 18 May 1998, a quickly convened meeting of the national leadership board (DPP) of Golkar took place in the Golkar office near Slipi, Western Jakarta. In this meeting, Golkar Chairman Harmoko stuck to his opinion voiced earlier in the day, that the political situation demanded certainty (*situasi politik membutuhkan kepastian*) and that fast actions were needed to avoid more civilan victims. The military wing of Golkar and other hard-liners harshly attacked Harmoko and accused him of betraying and even stabbing Suharto in the back (*menohok dari belakang*) (Yusuf 2000, p. 123). The atmosphere became even more heated when a press declaration of the Minister of DefenCe and ABRI Commander-in-Chief Wiranto was circulated, saying that the declaration of Harmoko was just one personal opinion and that there were many who disagreed. In the end, the soft-liners reached a resolution that demanded that either the president had to resign, or a special session of the MPR discussing this matter would have been convened (Yusuf, p. 122). On the next day, 19 May 1998, the Golkar parliamentary faction held a plenary faction session (*rapat pleno fraksi*), which was chaired by Slamet Effendy Yusuf, a soft-liner. He reported that "it was a very tense and emotional atmosphere. I had often to beat on the table and it was very difficult to find an order for the next person to be allowed to speak."[42] During the debate, Yusuf identified a third group besides the hard-liners and the soft-liners, which he described as being silent and adopting a "wait-and-see" attitude (Yusuf 2000, p. 124).

In the end, for the first time in the history of Golkar, the members of the Golkar faction could not agree on the issue and had to vote on the question of whether to support the demand of Harmoko (forcing Suharto to step down) or not. Finally, 160 votes supported Harmoko's declaration, while 125 were against Harmoko's demands. It seems that a majority of the pragmatic

Golkar faction members supported the soft-liners. The other factions (ABRI, PPP and PDI) also agreed to support Harmoko's statement. Thus, on the meeting of the chairmen of parliament and the leaders of the factions, there was a unanimous decision of the parliament.

At the same moment, President Suharto announced from his presidential palace a number of reforms, including a Reformation Committee headed by himself. As it became obvious that Suharto was still not willing to step down, even more students — according to some estimates around 30,000 — occupied the parliament and climbed its dome and other buildings. In the evening of 20 May 1998, fourteen ministers withdrew their support from Suharto, leaving the president virtually isolated. On the same evening, he invited forty-five persons to form a cabinet, but forty-two refused to cooperate with him. Still, on 20 May Golkar representatives, among them Akbar Tandjung and Ginanjar Kartasasmita gathered in parliament to discuss how to deal with President Suharto and what should happen with Vice-President Habibie if Suharto resigned. There were four alternatives (van Dijk 2001, p. 207):

> One, Suharto and Habibie both had to resign and temporarily hand over leadership of the nation to a triumvirate made up of the Ministers of Defense, of Internal Affairs, and of Foreign Affairs (i.e. Wiranto, Hartono, Ali Alatas), meaning two top ABRI leaders would become national leadership;
>
> Two, Suharto had to take the lead in carrying through reforms in all fields, meaning no demand for the resignation of the president;
>
> Three, Suharto had to resign, with Habibie being promoted to acting president;
>
> Four, Parliament had to ask the MPR to hold an extraordinary session.

A clear majority of the Golkar parliamentarians were in favour of the fourth alternative, while the result was "somewhat blemished by the fact that staunch supporters of Suharto had not been informed that the meeting was to be held" (van Dijk 2001, p. 207). The PDI and PPP factions made clear that they supported an immediate resignation of Suharto. The resolution was also backed by the entire Armed Forces faction, a clear sign that the military leadership had decided to withdraw support for Suharto. "With both the parliament and the military turned against him, it was clear that Suharto was doomed" (O'Rourke 2002, p. 130).

On the morning of 21 May 1998, the chairmen of parliament were finally received in the presidential palace for the consultation for which they

had been asking in the letter to Suharto. They had been invited late in the evening of the previous day. At nine o'clock in the morning, Suharto announced his resignation while the DPR leadership had to wait in another room and thus did not participate.

Many observers described the dramatic events in May 1998, "when thirty-two years of stagnant politics suddenly gave way in the space of two weeks" (O'Rourke 2002, p. 86), as a highly surprising sequence of actions based on short-term reactions by the political elite. In my opinion, the breakdown of the authoritarian regime happened in a more evolutionary way. Since the early 1990s, more and more politicians as well as military leaders turned away from Suharto. This did not become visible until May 1998 when in a sort of "domino effect", more and more of these public figures openly demanded Suharto's resignation as president.

## The DPR's Budget Function

The growing opposition of the DPR, however, was not reflected in the budget negotiations with the Suharto administration, where the parliament's institutional power was very limited.

In the explanations of the Constitution of 1945, it is clearly stated that the state budget must have the approval of the DPR and further explained that only in fascist countries does the government determine the budget (*dalam negara yang berdasarkan fascisme, anggaran itu semata-mata ditepkan oleh pemerintah*). It seems that this constitutional explanation had never been read by President Suharto and the other leaders during *Orde Baru*. They would haven been very upset if somebody would refer to the 1945 Constitution to name their budget policy fascist.

In fact, all budgets during the *Orde Baru* were determined by the government and rubber-stamped by the DPR. This happened also in the beginning of the year 1998 when the consequences of the Asian financial crisis became more pronounced and many economists criticized the draft state budget (RAPBN) for 1998–99, which President Suharto unveiled on 6 January 1998. They argued that it was overly optimistic[43] to the point of wishful thinking (Ufen 2002*a*, p. 470). The legislators however, were not so critical. Theo Sambuaga (chairman of the Golkar faction), for example, said that the draft budget of President Suharto was realistic and would help to restore faith in Indonesia's economy. His faction colleague Ekky Syahruddin added that the ongoing crisis was purely economic in nature and that there should be no question of the country's political stability. DPR Chairman Harmoko supported Suharto's budget draft too, and added that good

cooperation of the DPR and the president as well as patriotism and determination were needed to overcome the crisis.[44]

Immediately, the International Monetary Fund (IMF) was disturbed by the figures of the Suharto government and demanded that the national budget of Indonesia be made more realistic in order to obtain financial aid from the IMF. Consequently, Suharto decided that he had to change some estimations of the RAPBN. For instance, the expected exchange rate of the Rupiah to the U.S. Dollar was increased from 4,000 to 5,000 and the expected economic growth was reduced from 4 to 0 per cent. So the government changed the draft national budget even before consultations with the DPR started — an unprecedented act in the history of Indonesia[45] and a clear sign of the government's arrogance toward the DPR in budgetary matters. In a plenary session, some DPR members, especially from two smaller parties, like Hamzah Haz (chairman of PPP faction) and Budi Hardjono (chairman of PDI faction) voiced their reservations concerning the government's economic assumptions,[46] but in the end, the DPR passed the government's proposed state budget without any changes.

A former DPR member reported to the author that the debate on the budget was always a long affair. The more the legislators talked, the more money they could get from private and state-owned enterprises. He confessed that these practices, which he designated as envelope politics (*politik amplop*) and in which every faction was involved, were clearly corrupt, but according to him the same continues to happen today.[47]

## Elective Function

According to the 1945 Constitution, the MPR had the right to elect the president. Formally, each of the six factions (Golkar, PDI, PPP, ABRI, the faction of the regional representatives, and the faction of the group representatives) could propose a candidate. Under pressure from the authoritarian government during the *Orde Baru*, each faction proposed Suharto every time. Therefore, he was always the sole candidate for the state's top position. The election followed a ritualized acclamation. When the MPR chairman asked if the members accepted the candidature of Suharto, they shouted "*Setuju!*" (I agree!) and enthusiastically applauded their decision (Liddle 2000, p. 37).

As it did every five years, the same procedure happened in March 1998 when Suharto, after thirty-two years in power, was unanimously re-elected. The newspaper *Media Indonesia* reported that "the applause reverberated. It thundered. And applause was not enough. The MPR members stood up to

demonstrate their feelings of respect and happiness" (quoted in Aspinall 2005, p. 203). Not a single voice was raised against the re-election of Suharto within the assembly hall. Outside, however, there were many who were very critical of the government's performance and the future outlook for the nation. The MPR members, however, which elected the seventy-six-year-old Suharto once again and without controversy, neglected their oversight function toward the executive. They had theoretically the possibility to demand substantial policy changes in return for their support, but the powerless position of the MPR and the ritual left no room for such action.

DPR Vice-Chairman Ismail Hasan Metareum (PPP) is quoted with the words: "The election of the new president is like a wedding ceremony. Although everyone knows who the bride and the bridegroom are, the ritual is necessary to formalize the union" (quoted in Schwarz 1994, p. 276). MPR member General Kunarto is quoted as saying that he had gained nothing by attending (…) except that his lips had swollen from having to repeatedly shout "*Setuju!*" (I agree!) to decisions made beforehand (Schwarz 1994, p. 276).

During the *Orde Baru*, the DPR had no influence on other appointments such as military and judicial key posts. They were made by President Suharto without consultation with parliament.

## NOT A SINGLE INITIATIVE: THE LEGISLATIVE FUNCTION

In the framework of the 1945 Constitution, the DPR had the right to initiate and to pass laws together with the president. In its function as part of the MPR, they could decide on constitutional amendments, but during the *Orde Baru* virtually nobody dared to do so. Then military Commander-in-Chief Feisal Tanjung said once that everyone who wants to change the constitution had to face ABRI and Suharto and he would beat (with bayonets) anyone who wanted to do so.[48] Additionally, the MPR had passed a decree in 1983 which stipulated that constitutional amendments could only take place after a referendum in which ninety per cent of those entitled to vote had participated and ninety per cent had spoken out in favour. Since such results are nearly impossible to reach, the Constitution of 1945 seemed to be enshrined for eternity.

Normal legislation, however, should have been more the business of the DPR. As regulated in Article 5 (1) of the Constitution of 1945, the president and the legislature had the right to introduce new bills in the DPR. In the whole *Orde Baru*, however, the DPR very seldom exercised its rights. The legislative function of parliaments requires at a minimum, that "most of a

country's laws come not from executive decrees but from bills duly debated and approved by a representative body" (Close 1995, p. 2). Table 3.3 shows the lack of parliamentary initiatives and the dominance of the executive in the field of legislation.

**TABLE 3.3**
**Bills and Laws between 1966 and 1999**

| *Years* | *DPR* | | *Government* | |
|---|---|---|---|---|
| | Bills Proposed | Laws Originating as DPR Initiatives | Bills Proposed | Laws Originating as Government Initiatives |
| 1966–71 | 27 | 7 | 102 | 81 |
| 1971–77 | 0 | 0 | 43 | 43 |
| 1977–82 | 0 | 0 | 61 | 55 |
| 1982–87 | 0 | 0 | 46 | 46 |
| 1987–92 | 0 | 0 | 55 | 55 |
| 1992–97 | 0 | 0 | 73 | 73 |
| 1997–99 | 8 | 5 | 66 | 65 |

*Source:* Srisuwastuti (2002, p. 199).

It is striking that from 1971–97, the DPR did not propose a single bill, despite the ability to do so according to the constitution. This shows the complete failure of parliament to become an active player in legislation during the *Orde Baru*. The DPR "did not work in the sense of the word because it took no initiative".[49] This is even more astonishing, since especially in presidential government systems — to which Indonesia was generally referred to as belonging until 1998 — it is the primary task of the legislature to propose bills. In the USA, for instance, Congress is the only institution empowered to initiate laws and the president explicitly does not have this right. In Indonesia, however, the president initiated all legislation from 1971 until May 1998.

Another noticeable fact is that from 1982 to 1997, all bills originated by the government became laws without exception. This shows that the DPR accepted all proposals by the government and suggests that the role of the parliament in the legislation was very weak. These findings correspond with Adam Schwarz's work, who wrote in 1994 that the Indonesian legislature "has never drafted its own legislation and has never rejected a bill submitted by the executive branch" (Schwarz 1994, p. 272). The process of making a

law was regulated in the standing orders (*peraturan tata tertib*) of the DPR. On 19 September 1997, a new version of the standing orders was passed unanimously by all factions of the DPR, replacing the previous one dating from 1983. A new feature was the reduction of the number of the MPs who could propose a bill from twenty to ten; the articles concerning the law-making process remained unchanged, however (Marbun 2000, p. 328ff.).

## Modification of Bills

Despite the fact that all government bills became laws in the *Orde Baru* since 1982, some legislators became slightly more critical in scrutinizing bills submitted by the government in the last years of Suharto's rule. This led to more — though minor — changes of legislation at the committee stage. A good example was the Manpower Bill passed in September 1997. The final draft of the bill added 40 articles to the original 159 and cut down the number of recommendations for the establishment of implementation directives from 39 to 13.[50] This was a marked departure from earlier practices, when — as an analysis by Riswandha Imawan showed — there was not a single change made to bills introduced by the government in the 1987–92 legislative periods (Imawan 1995, p. 79).

The first frictions between parliament and President Suharto became obvious in the legislative process. The Broadcasting Act, which was endorsed by parliament in December 1996, was sent back for revision to parliament by President Suharto in July 1997. He demanded changes concerning the private television stations, in which his daughter and his son had an important stake. It was the first time in Indonesia's history that an Act had been returned to parliament by a president (van Dijk 2001, p. 65ff.).

In early May 1998, the Minister of Mining and Energy, Kuntoro Mangkusubroto, announced a presidential decree to raise the fuel and electricity prices up to seventy per cent. Parliament decided to call Kuntoro to account. The legislators,

> indignant that they had not been consulted before the announcement, and now in the changing political climate not afraid to testify to their feelings, gave Kuntoro a difficult time. One Golkar member went so far as to state that it would be best for Kuntoro Mangkusubroto to step down if he failed to revoke the presidential decree. If he did not, members of parliament would resign. Parliament, with the full support of Golkar, spoke out in favour of rescinding the rise in fuel and electricity prices (van Dijk 2001, p. 182).

This event showed that, at least in 1998, parliament became more critical toward bills presented by the government. Most of the time during the *Orde Baru*, parliament completely ignored its legislative function. In the last years prior to the regime change, however, it became more self-confident and took its legislative function more seriously though still falling far short from the ideal.

## Notes

1 The term *Dewan Perwakilan Rakyat* was replaced by "parliament".

2 For the 1971 elections, the number of seats for PDI and PPP represent the combined seats of the parties which were forcibly merged in 1973.

3 Former Polish Foreign Minister Bronislaw Geremek defined an apparatchik as "a functionary with powers that do not result from elections, and who is not responsible to a designated constituency", in Geremek, Bronislaw *Civil Society and the Present Age*, at <http://www.nhc.rtp.nc.us/publications/civilsoc/geremek.htm>.

4 Interview with Aberson Marle Sihaloho, PDI-P faction, 22 November 2002, in Jakarta.

5 Reserved seats can be useful to increase the inclusiveness of a parliament by reserving seats for disadvantaged groups or minorities which otherwise would not be represented in the legislature. But when they perpetuate a parliamentary power base for potential veto powers such as the military, they are violating the principle of democratic representation. The question whether reserved seats are undemocratic thus depends to a great extent on the circumstances of their (s)election and on the question which societal groups are represented by the reserved seats (Rüland, Jürgenmeyer, Nelson and Ziegenhain 2005).

6 Interview with Sembiring Meliala, PDI-P faction, 29 November 2002, in Jakarta.

7 Amnesty International Report 1997, *The conviction of Aberson Sihaloho* (AI Index ASA 21/052/1997) 21 July 1997 <http://www.web.amnesty.org/library/index/engasa210521997>.

8 Ibid.

9 Committee on the Human Rights of Parliamentarians, Case No IDS/12, Confidential decision adopted by the Committee at its 76th Session *Aberson Sihaloho, Indonesia* (Geneva: 27–30 January 1997). Quoted at <http://web.amnesty.org/library/Index/engasa210521997>.

10 Prof. Dr. Ingrid Wessel from the Humboldt-University of Berlin, who then invited Sri Bintang Pamungkas, told the author in a private conversation in October 2004 that the legislator did not make the controversial statements during the public debate but afterwards while discussing with Indonesian students living in Berlin. Intelligence officers seemed to have listened.

11 Resolution of the Inter-Parliamentary Union adopted by the Inter-Parliamentary

Council at its 162nd Session in Windhoek, 11 April 1998 <http://www.ipu.org/hr-e/162/ids10.htm>.

12 Interview with Sembiring Meliala, PDI-P faction, 29 November 2002, in Jakarta.

13 Interview with Dimyati Hartono, PDI-P faction, 15 November 2002, in Jakarta.

14 Anders Uhlin argued that these influences were caused by transnational personal contacts, but also through the diffusion of democratic values by books, radio and television broadcasts into Indonesia. Uhlin (1997), pp. 167–184.

15 In the 1990s, President Suharto tried to broaden his power base with a turn towards Islamic political leaders and organizations because he felt the weakening military support for his regime.

16 Interview with Tommi Legowo, CSIS, 20 November 2002, in Jakarta.

17 *Asia Times Online*, 21 January 1997.

18 Interview with Dimyati Hartono, PDI-P faction, 15 November 2002, in Jakarta.

19 Interview with Akbar Tandjung, former chairman of the DPR and the Golkar Faction, 3 December 2002, in Jakarta.

20 Interview with Jakob Tobing, PDI-P faction, 4 December 2002, in Jakarta.

21 Interview with Slamet Effendy Yusuf, Golkar faction, 22 November 2002, in Jakarta.

22 Interview with Slamet Effendy Yusuf, Golkar faction, 22 November 2002, in Jakarta.

23 Interview with Akbar Tandjung, Golkar faction, 3 December 2002, in Jakarta.

24 Ibid.

25 Interview with Rully Chairul Azwar, Golkar faction, 19 November 2002, in Jakarta.

26 Interview with Akbar Tandjung, Golkar faction, 3 December 2002, in Jakarta.

27 Interview with Rully Chairul Azwar, Golkar faction, 19 November 2002, in Jakarta.

28 Interview with Tommi Legowo, CSIS, 20 November 2002, in Jakarta.

29 Interview with Dimyati Hartono, PDI-P faction, 15 November 2002, in Jakarta.

30 Interview with Akbar Tandjung, 3 December 2002, in Jakarta.

31 Interview with Sembiring Meliala, PDI-P faction, 29 November 2002, in Jakarta.

32 Interview with Iris Indira Murti, Golkar faction, 18 October 2001, in Jakarta.

33 Interview with Astrid Susanto, PDKB faction, 19 October 2001, in Jakarta.

34 Interview with Dimyati Hartono, PDI-P faction, 16 October 2001, in Jakarta.

35 Interview with Aberson Marle Sihaloho, PDI-P faction, 22 November 2002, in Jakarta.

36 The full name of the Constitution is *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*.

37 Interview with Rully Chairul Azwar, Golkar faction, 19 November 2002, in Jakarta.

38 Interview with Akbar Tandjung, Golkar faction, 3 December 2002, in Jakarta.

39 (Secretariat General of the House of Representatives of the Republic of Indonesia, 1998), p. 65. The statement in the original Indonesian language reads as follows:

*Pimpinan Dewan dalam rapatnya hari ini telah mempelajari dengan cermat dan sungguh-sungguh perkembangan dan situasi nasional yang sangat cepat yang menyangkut aspirasi masyarakat tentang reformasi termasuk Sidang Umum MPR dan Pengunduran Diri Presiden … Pimpinan Dewan baik Ketua maupun Wakil-wakil ketua mengharapkan demi persatuan dan kesatuan bangsa, agar Presiden secara arif dan bijaksana sebaiknya mengundurkan diri*.

40 Interview with Rully Chairul Azwar, Golkar faction, 19 November 2002, in Jakarta.

41 Interview with Rully Chairul Azwar, Golkar faction, 19 November 2002, in Jakarta.

42 Interview with Slamet Effendy Yusuf, Golkar faction, 22 November 2002, in Jakarta.

43 "Economist say state budget too optimistic", *Jakarta Post Online*, 7 January 1998.

44 "Draft budget praised as turning point to crisis", *Jakarta Post Online*, 7 January 1998, and "Ketua DPR/MPR: Saatnya lakukan introspeksi", *Kompas Online*, 7 January 1998.

45 "Pertama, revisi RAPBN sebelum dibahas DPR", *Kompas Online*, 17 January 1998.

46 "Dipertanyakan, sejumlah asumsi revisi RABPN 1998/99", *Kompas Online*, 24 January 1998.

47 Interview with a DPR member known to the author in Jakarta.

48 Interview with Aberson Marle Sihaloho, PDI-P faction, 22 November 2002, in Jakarta.

49 Interview with Dimyati Hartono, PDI-P faction, 15 November 2002, in Jakarta.

50 *Jakarta Post*, 11 September 1997, p. 2. See also similar statements by the DPR Chairman Wahono between 1992 and 1997, who was quoted by *Jakarta Post* as follows: "During the 1992-1997 term, we notice a higher intensity in supervisory functions carried by the House commissions and the legislative functions." *Jakarta Post*, 18 August 1997, p. 1.

# 4

# THE AWAKENING
# The Role of the Parliament during the Presidency of B.J. Habibie

According to O'Donnell and Schmitter, the democratization period of a transition process is defined as democratic reorganization of the most important state institutions together with the introduction of political pluralism. It is the time of "wheeling and dealing" to create the rules for the democratic order. This time frame ends, according to the mainstream transition literature, with the democratic election of a new government and parliament. According to transition theory, "institution-building" takes place during the democratization period (Merkel 1999, pp. 136–38). The introduction of political pluralism leads to the establishment of a party system, and the first post-authoritarian elections are prepared. In order to achieve a democratic order, important laws and/or the constitution have to be replaced or modified.

The time frame for this second transition period in Indonesia started with the resignation of the authoritarian President Suharto on 21 May 1998 and ended with the election of Abdurrahman Wahid as the new president on 22 October 1999. After the resignation of Suharto, Vice-President Habibie became, in accordance with the constitution, the new president of Indonesia. For more than twenty years, he had worked very closely with Suharto and was elected vice-president by the MPR in March 1998. Having no public support and not much authority within the ruling elite as well as among the opposition forces, he was and is regarded as a transitional president whose main task was to manage a smooth transition from the authoritarian to a more democratic order.

In an unwritten pact, the ruling and moderate opposition elites agreed that the democratization process should follow constitutional provisions and take place without a dramatic and immediate change. The transition to democracy was to be arranged peacefully with Habibie as a caretaker for the preparation of the institutional changes. The retention of the old regulations, especially the unchanged Constitution of 1945, in the beginning of Habibie's presidency, left power centralized in the highest state office, enabling him to launch an ambitious reform agenda within weeks. With his policies, including the relaxation of restrictions on the press and on political organizations, the reform process gained momentum. Political prisoners — among them former legislator Sri Bintang Pamungkas — were granted amnesty and released by the post-Suharto government (Schuck 2003, p. 77).

The public viewed the main duty of Habibie as the preparation of free and fair elections for the DPR followed by a presidential election of the MPR. Although he was not constitutionally obliged to hold elections,[1] because of the internal and external pressure on him, the new president announced that new parliamentary elections would be held as soon as possible. With this step, Habibie indirectly admitted that the elections of 1997, held just a year earlier, lacked legitimacy.

The judgments on Habibie's contribution to democratization are ambiguous among political experts and Indonesian legislators. Some rate his achievements rather positively when they comment that despite all economic and political turmoil, "Habibie survived and presided over a remarkable, almost Gorbachev-esque, period of political reform" (Bourchier 2000, p. 15) and "he managed to stay in the saddle and, under great pressure, put in place political reforms that can take years in other countries" (Bourchier 2000, p. 31). Others were rather critical. Legislator Dimyati Hartono from PDI-P described the former aeronautical engineer as a scholar with visions on airplanes but not a statesman or politician.[2]

Legislator Slamet Effendy Yusuf took an ambivalent view on Habibie. While he approved of Habibie's reform concepts and democratic ideas from his time in Western countries, he criticized him for protecting the Suharto clan, because he owed the family political debts.[3] For senior legislator Jakob Tobing, the new government under President Habibie was under strong pressure from inside and outside the country. The president was forced into the reforms; he did not do them of his own will. The Habibie government produced new laws in a hurry, only because it hoped to gain support from the Indonesian people and abroad.[4]

In 1999, Australian Prime Minister John Howard stated that Habibie was the man who brought democracy to Indonesia and that the world should

acknowledge his contribution.[5] Under the presidency of Habibie, however, a complete overhaul of the political system toward a democracy was not achieved, but incremental change was initiated. The strong presidential rights dating from the Constitution of 1945 and the laws and regulations from the *Orde Baru* era remained intact during the presidency of President Habibie.

Critical observers, such as well-known scholar Arief Budiman, argued that the Habibie administration retained the political status quo in order to win time. It preferred no change of the existing political institutions and procedures in making political decisions and thus hid behind them to avoid being swept from power (Budiman 1999, p. 45). While all legislators in the DPR preferred a process of reforms, more radical groups outside parliament demanded a "*reformasi total*", a complete new start without remnants of the authoritarian past, but failed to propose realistic alternatives. The demands, particularly of students' organizations, to instantly abolish the existing state institutions (e.g., the replacement of the DPR with a so-called People's Committee) and to create a completely new system of government without *Orde Baru* leftovers were not only rejected by the parliamentarians but also by the moderate opposition elites, who opted for a transition in accordance with the prevailing constitution.

The reform movement of the streets, however, exerted indirect influence on the deliberations over the future of Indonesia — at least in a symbolic way. Every organization and institution soon adopted the slogan *reformasi*. It became a label that all public figures and old and new parties used. Nobody wanted to be anti-*reformasi*. As the name indicates, people did not demand a total break with the past and its political, economic, and social system, but rather an incremental change in these fields.

## NEW PATHS FOR GOLKAR AND ABRI: THE REPRESENTATIVE AND ARTICULATION FUNCTION

After the resignation of Suharto on 21 May 1998, the parliament resulting from the *Orde Baru* elections of 1997 remained nearly the same as in authoritarian times until the first free elections in June 1999. For critical observers, the new regime "still represent[ed] the same old oligarchy of Suharto's extended family and about fifty other families" (Aditjondro 1999, p. 212).

Very few changes were made in the composition of the DPR. From the 500 members, fifteen members of the ABRI faction were replaced, three from PPP and six from the Golkar faction. The latter were mostly closely related with the Suharto family. Table 4.1 gives an overview of the exchanges in the Golkar and PPP faction.

**TABLE 4.1**
**Replaced DPR Members in 1998**

| *Name of the person replaced* | *Faction* | *Short Description* | *Official Reason for Replacement* | *Replaced by* |
|---|---|---|---|---|
| Indra Bambang Utoyo | Golkar | Close Business Partner of Bambang Trihatmojo (Soeharto's son) | None | Gatot Murdjito |
| Tutty Hayati Anwar | Golkar | Daughter of Haryadi Anwar (Businessman close to Soeharto) | None | Moh. Aly Yahya |
| Arifien Manap | Golkar | | None | Tjarda Muhtar |
| Bahriyoen Soetjipto | Golkar | | None | Selamat Limbong |
| Mubha Kahar Muang | Golkar | Businesswoman, close to Soeharto, Soedharmono | None | Lahmuddin Fattah |
| Siti Ainomi Rudy Lengkong | Golkar | Wife of close business partner of Soeharto | None | R. Asranuddin |
| Amru Al Mu'tasyim | PPP | | None | AZ Arifin Khan |
| Khoffifah Parawansa | PPP | | Appointed as minister | Enny Rosyidah |
| Mukrom As'ad | PPP | | Appointed as member of the National Audit Board | Anwar Tanjung |
| 15 ABRI members | ABRI | | | 15 new ABRI members |

*Source:* Document provided by the General Secretariat of the DPR, Department of Membership Administration *(Administrasi Keanggotaan Dewan, Minangwan)*.

In the MPR, however, major personnel changes took place. Only a few days after Habibie was sworn in as the new president of Indonesia, there were some changes within the composition of the MPR. According to Kees van Dijk, "Golkar warned its politicians that sanctions would be taken against anyone who had gained his or her position in parliament and the People's Congress (MPR) through nepotism" (van Dijk 2001, p. 255). As a consequence, within weeks of Suharto's fall, some relatives of prominent political figures resigned from their posts in the MPR. Among them were the wives of MPR Chairman Harmoko, MPR Vice-Chairman Syarwan Hamid,

former Interior Minister Yogie SM, former ABRI commander General Feisal Tanjung, and former ABRI Commander General Hartono. Additionally, the wife and the daughter of the then ABRI Commander Wiranto, as well as the brother and son of former Minister Ginandjar Kartasasmita gave up their seats in the MPR. By the end of June 1998, more than twenty members of the MPR resigned. After the extraordinary Golkar national congress (*Munaslub*), many Golkar members closely related with Suharto were also replaced. Among them were Sarwono Kusumaatmadja, Siswono Yudohusodo, Hayono Isman and Indra Bambang Utoyo. To avoid allegations of nepotism, the party also dismissed Suharto's cousin Sudwikatmono and Suharto's half-brother Probosutedjo. Retired General Edi Sudrajat was not recalled, but he resigned five days before the start of the MPR session. In preparation for this session in November, President Habibie exchanged around fifty representatives of social groups that had been appointed by Suharto in October 1998. All in all, according to Dwight Y. King, twenty-three per cent of the MPR members were replaced between June and October 1998 (King 2003, p. 48).

Despite all these personnel changes, the way that the political system was transformed in the beginning of the *Era Reformasi* was determined by figures with an authoritarian past. Since the MPR was composed of people close to Suharto and the *Orde Baru* who had vested interests and mind-sets, the reforms were handled in a top-down approach.

After only a few days in office, President Habibie presented a timetable for the reformation of the political system. At the end of 1998, an extraordinary session of the MPR was to take place, during which the necessary preconditions for general and democratic elections in 1999 were to be agreed on.

Critical voices demanded that the MPR extraordinary session revoke its decision of March 1998 to elect Suharto as president and Habibie as vice-president. This would have led to the replacement of Habibie and to the election of a new president. Others demanded to hold Suharto accountable for human right violations against demonstrators between March and 21 May 1998. Both demands were rejected by President Habibie as well as by the factions in the DPR. During the extraordinary session of the MPR in November 1998, even opposition leaders like Amien Rais were against a replacement of Habibie, not because they supported Habibie, but because they feared that since the MPR "was composed as it was, such an event might be used to pave the way for another unacceptable person, maybe even an associate of Suharto, to become president" (van Dijk 2001, p. 302).

In hindsight, it was not beneficial for the establishment of democracy that the composition of the parliament remained unchanged after the regime change. In other transition countries, especially in many Central and Eastern

European countries, round-table talks between remnants of the *ancien régime* and the opposition leaders paved the way for a smooth transition.[6] This did not occur in Indonesia.

However, after the regime change, the DPR members were slightly more responsive in listening to the reform demands of the people. The legislators took their function as intermediaries between citizens and the state somewhat more seriously. However, in the implementation of these demands the majority of the legislators remained cautious. Many of them had personal relations with *Orde Baru* leaders, whom they sought to protect, and a mind-set strongly influenced by many years of authoritarianism, which many of them regarded as an ideal form of government. According to senior legislator Jakob Tobing, many legislators of Golkar as well as in PDI-P were not very reform-oriented but pro-*Orde Baru*. They argued that one cannot blame the government system of the *Orde Baru* for the economic failures and that the long rule of Suharto was not wrong.[7] Such strongly held values can only be changed gradually over time.

It is a common feature in democratization processes that almost immediately after the democratic opening, social groups form new political parties. The same happened in Indonesia where the first months after the resignation of President Suharto were characterized by the mushrooming of political parties, which numbered over 180 by March 1999 — a reflection of the strong desire to participate in a more liberal and open political arena. Another feature of newly founded parties after authoritarian rule was the re-emergence of old political identities that had long been suppressed. In Central and Eastern Europe, liberal, conservative, religious and nationalistic parties, which were frozen during the decades of communist rule, sprang up after the regime change and soon became important political players. In Indonesia, the different traditions within the Islamic community, manifested already in the 1950s, re-emerged as political parties, for example, PKB (*Partai Kebangkitan Bangsa*, National Awakening Party) as a political party close to Nahdlatul Ulama (NU). Soekarno and his nationalist ideology experienced a revival, which also had an impact on the party system.

These new parties were not represented in parliament immediately after the regime change and remained outside the inner political circle of power. The DPR had an inadequate composition since when reforms were needed the most, the old Suharto team of politicians decided where and how to go.

In a transition process, the old, established practices — now discredited — are no longer effective. New values and procedures have to be developed. Generally, in new democracies, not much is settled: "neither the powers of offices within the regime, nor the relationship among them — especially

among the major offices and institutions of president, parliament and prime minister. The economy must be restructured and civil and also criminal law requires recodification. The wide and far-reaching character of the immediate public policy agenda introduces a high degree of uncertainty …" (Olsen 1994, p. 35ff.). In this regard, PKB chairman Matori Abdul Djalil was quoted as saying during the session of the MPR in October 1999: "Every moment things can change in politics. Who knows what will happen afterwards?" (quoted in Tay Keong Tan 2001, p. 69). After decades of tightly controlled and therefore predictable political processes in the DPR, the legislators as well as all other political actors struggled to find their new place in the changed environment.

Legislator Dimyati Hartono described the confusion in the DPR after May 1998: "When Habibie took over power there was anarchy in parliament. Old rules were not accepted any more and new rules had not been created then. The politicians then did not want to establish a better form of democracy but were driven by personal interests. They had no clear conception for the reforms."[8]

Because of the new, unclear situation, the whole political system was weaker and less coherent than under Suharto. Bourchier argued that this might be a consequence of the economic crisis, but the main reason was the "legacy of Suharto's failure to create credible mechanisms of governance. Power was so personalized and the bureaucracy so politicized that when Suharto fell, the vast patronage networks that helped bind the state together also started to unravel" (Bourchier 2000, p. 16). This statement shows the uncertainty, typical of this stage of the transition.

## Golkar and Anti-authoritarian Parties in Parliament

Acccording to American scholar Samuel Huntington, democratic transitions occur in three different types. In a transformation "those in power in the authoritarian regime take the lead and play the decisive role in ending that regime and changing it into a democratic system" (Huntington 1991, p. 124), replacements include a collapse or overthrowing of the authoritarian regime (Huntington 1991, p. 142ff.), while transplacements are a result of negotiated pacts among reform-oriented opposition and moderate ruling groups (Huntington 1991, p. 151ff.)

Accordingly Huntington identified three categories of democratizers: transformers, transplacers, and replacers. Transformers want to transform the existing system from above. This attitude was generally attributed to the so-called "status-quo forces". Before the 1999 elections, the public debate

and political analysts contrasted the so-called status-quo forces comprising Golkar, PPP, and PDI and the so called *reformasi* forces. The status-quo-forces had close links to the *Orde Baru* and sought to protect and keep as much of the authoritarian past as possible. On the other hand, newly founded parties like PDI-P, PKB, PAN (*Partai Amanat Nasional*, National Mandate Party), etc., who were not allowed to exist in the *Orde Baru* aimed to change the nation's political structure. However, reality soon showed that such a division was very questionable.

The transplacers or moderate reformists, who seek to transplace the government system through a process of negotiations, can be identified as the main new and former opposition parties like PDI-P, PKB, PPP, PAN, etc. The third category identified by Huntington, the replacers, want to replace the old order completely, and can be found in Indonesia among the student movement and other intellectuals. They fought for a total reform (*reformasi total*) and never accepted the Habibie government as legitimate.

In Indonesia, from May 1998 until the free parliamentary elections in June 1999, all three political parties represented in parliament tried to distance themselves from the authoritarian legacy and adopted the language of the reform movement. Even the former government vehicle Golkar transformed itself into a party and gave up its former claim to represent all functional groups in society. The declaration of the renamed Golkar party (Partai Golkar) took place in April 1998, in a very large meeting in the Senayan stadium with more than 100,000 participants. Officially, Partai Golkar made its metamorphosis from a tool of Suharto to a political party at a special national convention (*Munaslub, Musyawarah Nasional Luarbiasa*) in July 1998.

Golkar was the major political force in the DPR during the democratization period from May 1998 until the general elections in June 1999 because it still had seventy-five per cent of the seats gained in the 1997 elections. Therefore, all decisions by the DPR and the MPR in this period were strongly connected with the internal developments within Golkar.

The controversy between soft-liners and hard-liners within Golkar that publicly began after the declaration of Harmoko in May 1998 continued through the *Munaslub* held from 9–13 July 1998, in Hotel Indonesia, Jakarta. This congress was intended to produce Golkar's common answer towards the demands of several social organizations. This session was no routine session but was very unusual for Golkar, as the word *luarbiasa* (extraordinary) indicates, as it was "the first time Golkar politicking was fought out in the open" (van Dijk 2001, p. 326). Golkar Chairman Harmoko was in a very tough position at this congress. Not only were the status quo forces against

Harmoko because of his betrayal of Suharto, but the reform wing of Golkar also demanded that Harmoko should be replaced as chairman of Golkar, as he was considered too close to Suharto.

During the political debates on the *munaslub*, a unique and new feature was the use of the typical slogans and jargon of the reform movement by both party wings. This underlines again the external influence of the reform movement on Golkar. The reform wing used the slogans *anti Suharto dan keluarganya* (against Suharto and his family), *anti militerisme* (against militarism), *anti KKN* (against corruption, collusion and nepotism), while the status quo wing very often used the slogans of *anti money politics* and *anti petualang petualang politik* (against political adventures) (Irawan 2002, p. 41).

The main opponent of the reform wing in Golkar was the group around retired General Edi Sudrajat, who counted on the backing of former vice-president, General Try Sutrisno, a close ally of Suharto, who even publicly boasted to act on Suharto's behalf (Mietzner 1999, p. 94; Ufen 2002*a*, p. 512). Therefore Edi Sudrajat was considered to be the candidate favoured by Suharto and anti-Habibie groups (Anwar 1999, p. 45). Sudrajat's rival in Golkar was Akbar Tandjung, a former minister under Suharto and at this time Secretary of State in the cabinet of Habibie, who led the reform wing. Akbar Tandjung was a widely accepted, moderate candidate. With his authoritarian past, however, he was no hard-line reformer and stood for carefully launched reforms and avoiding radical change.

The *Munaslub* finally elected Akbar Tandjung as the new party chairman. In a poll, twenty of the twenty-seven regional province leaders voted for him, defeating his rival Edi Sudrajat. According to Chairman Akbar Tandjung, the Golkar party then became a modern and democratic party and no longer the ruler's party or the party of the rulers (Tandjung 1999b, p. 90). The Golkar party tried hard to get rid of the stigma that Golkar was a status-quo force, but it is obvious that such a big and important political party could not change within a few months. However, the leadership initiated a rhetorical separation with the past and a new definition of the role of Golkar in politics. For the continuing reform process, Golkar's decision to actively participate in democratization had a decisive impact. The statement of Slamet Effendy Yusuf, "If the Golkar faction had not taken the aspirations of the people, there would have been no *reformasi*,"[9] is exaggerated, but underlines the importance of the Golkar faction in the democratization process.

After the defeat of their candidate in the *Munaslub* forum in July 1998, some in the status quo forces left Golkar and founded new parties like PKP (*Partai Keadilan dan Persatuan*). These hard-liners, however, kept their seats in parliament until the general elections in June 1999. According to Slamet

Effendy Yusuf, this group was silent until the end of their term, and if they wanted to speak, nobody in the public would have wanted to listen to them, because public opinion was against them.[10]

The most important thing at this national congress was that Golkar became a political party by giving up its three-lane structure. The new *Partai Golkar* gave up its former military and bureaucratic wing. According to the new chairman, Akbar Tandjung, his party then had the following three new paradigms: being independent, meaning free from the influence of the military or the bureaucracy; internal democratization, giving each member a chance to decide, changing the top-down-approach with a bottom-up mechanism; and becoming more active in supporting the people's needs.[11]

The influence of Suharto on Golkar was decreased by abolishing the *Dewan Pembina* (Council of Patrons), thereby depriving Suharto of his formal grip on the party. Suharto's children lost their party positions. His son, Bambang Trihatmodjo, was dismissed as deputy chairman, and the former president's daughter, Tutut (Siti Hardijanti Rukmana), was replaced as treasurer of Golkar.

## Veto Forces in Parliament/ABRI

A great problem for every democratization process is the presence of veto forces. In Indonesia, the military was a potential veto force and was present in parliament until the general elections in 2004. During the *Orde Baru*, they automatically got 100 uncontested seats, or twenty per cent of all mandates. This number had already been reduced to seventy-five in 1997, a first step to symbolically curb military influence in politics, even at the end of the *Orde Baru*. After the downfall of Suharto, some political parties and the reform movement on the streets continued to demand the withdrawal of all non-elected members of the armed forces in parliament. Anti-military sentiment was widespread because of the role ABRI had played in supporting and defending the authoritarian President Suharto and in killing student activists involved in the demonstrations against him. At the MPR session in November 1998, an agreement could not be reached. In its decision No. XIV (*Ketetapan MPR RI no. XIV/MPR/1998 tentang perubahan dan tambahan atas ketetapan MPR RI nomor III/MPR/1998 tentang pemilihan umum*), the MPR members agreed in Article 7 (2), however, that the number of seats reserved for the Armed Forces had to be reduced gradually over a period of time and left it for the parliament to determine the exact number in a law.[12]

M. Ryaas Rasyid, then one of the main drafters of the political laws of the Habibie administration, said that ideally, every member of the DPR should

be elected, but because of the special circumstances that were part of political transition processes, the military presence had to be tolerated for one more term (Sunata 1999, p. 9). With these special circumstances, he was referring to the instability and uncertainty of the whole political system at the beginning of the transformation. One of the key questions was about the military's future role in a democracy that had yet to be established.

On 1 April 1999, the armed forces changed their name from ABRI to TNI (*Tentara Nasional Indonesia*), the original name of the army at the beginning of Indonesia's independence. The change in name was a conscious attempt to dissociate the armed forces in the *reformasi* era from the abuses which had been committed under the *Orde Baru* and to revitalize the image of the positive role the armed forces had played during the war of independence against Dutch colonial rule between 1945 and 1949. On the same day, the separation of the police from the army came into effect. The ABRI faction in the DPR became the TNI/PolRI faction (Army and Police Faction).

The debate on the military and their reserved seats was a major topic in the Indonesian parliament, too. The main point was the law on the composition and status of the DPR and MPR (*undang-undang tentang susunan dan kedudukan DPR/MPR*), which had to be changed in order to determine the number of reserved seats.

> The senior officers of the army were prepared to adjust the numbers of seats reserved for the armed forces to the 'way matters developed', but refused to give up their presence in parliament and the congress completely. In an attempt to justify their position, spokesmen of the armed forces asked rhetorically who could bother to voice their aspirations if they had no seats (van Dijk 2001, p. 318).

They were referring to the already mentioned missing right to vote by army members. The tug of war on the military seats in parliament continued. The debates in parliament on this issue were threatened by a deadlock, but in the end, the major political parties were willing to compromise on this question and accepted some military representation. While the ABRI faction proposed ten per cent (fifty seats), Golkar wanted to give eight per cent (forty seats), while the PPP faction was only willing to concede two per cent (ten seats). After intense lobbying, an agreement could only be reached at the last minute. Law no. 4/1999 reduced the number of non-elected military representatives in parliament to thirty-eight (Article 11 (3)), a scaling-back of the armed forces' role in the national parliament. Some pro-democracy activists welcomed the substantial reduction of non-elected seats, but most

were "bitterly disappointed that a valuable chance had been missed to remove the military altogether from the legislatures" (Bourchier 2000, p. 18).

Aberson Marle Sihaloho, MP from PDI-P, reported that when the Laws on the General Elections (*undang-undang no. 2/1999*), Political Parties (*undang-undang no. 3/1999*), and the Status of DPR/MPR (*undang-undang no. 4/1999*) were made under the Habibie administration, it was only Amien Rais (PAN) and he himself who protested that the military were still represented in the new, freely elected parliament. For him, it was a matter of principle to ban non-elected groups for DPR/MPR. He further criticized the stance of his own faction to allow the representation of the armed forces in the DPR.[13]

According to Sembiring Meliala, who is very familiar with the TNI/PolRI faction since the retired Brigadier General represented the ABRI faction in the DPR from 1987 until 1992, the TNI/PolRI faction kept neutral during the presidency of Habibie. He described their members as nationalistic and thus close to the party he chose, PDI-P.[14]

As the composition of the DPR only changed to a small extent during the presidency of Habibie, the armed forces retained their seats. The presence of non-elected members in a parliament, however, is not only against the principles of democratic representation but — even worse — a manifestation of the direct influence of potential veto forces within an important state institution.

## Inclusiveness — New Members

Were most of the Indonesian legislators talented quick-change artists? Jakob Tobing, who switched from Golkar to PDI-P in 1998, explained why PPP and Golkar had changed their previous pro-authoritarian attitude and supported the reform process. According to him, the two parties are very pragmatic, and depend on public sentiment. When there is growing public pressure, be it for an authoritarian or a democratic system, they will certainly react. He described Indonesian top politicians as also very pragmatic and with little belief in ideologies.[15] Others argue that authoritarian supporters moved against Suharto in the last moments of the *Orde Baru* only in order to save their own political future (Hara 2001, p. 309).

A number of parliamentarians recognized the apparent contradiction in their position: a parliament "handpicked by Suharto — and dominated by Golkar — was preparing to write political laws that would determine the framework for democracy" (O'Rourke 2002, p. 198). Therefore, many legislators invited comments from academics, leaders of civil society, and also

the leaders of newly founded political parties like PDI-P, PAN, PKB, etc. However, the decisions were made under the responsibility of the "old" parliament.

Critical voices, especially from the student movement, argued that the reform process "was tainted from the beginning, because it depended on the assent of the Suharto-era parliament, which had proved itself to be corrupt and incompetent" (Bourchier 2000, p. 17).

Expectations were high that after the end of the authoritarian *Orde Baru* major improvements in the daily life of the people could be achieved. As already pointed out in Chapter 2, the public usually has little understanding of or patience with delays in decision-making after a regime change. However, debates on a huge amount of important tasks are time-consuming, and usually evoke considerable controversy within parliament (Olson 1994*b*, p. 127). This leads to public dissatisfaction, since people want the legislators to solve the urgent problems of the country and not argue among themselves.

At the MPR session in November 1998, tens of thousands of demonstrators converged on the parliamentary complex calling for Habibie's immediate surrender of power to a transitional government led by a presidium of pro-*reformasi* leaders (Bourchier 2000, p. 19) and to keep pressure on the delegates in the MPR building. It came to violent clashes between demonstrators and security forces in Jakarta, which left two people dead and several hundreds wounded.

The MPR session had a serious legitimacy problem. Students, intellectuals, and parts of the media complained that the 1,000 MPR members lacked legitimacy to decide on the future of the democratization process that was just beginning. Five hundred of the MPR members were from the DPR elected in the rigged general elections of 1997; the other 500 were either appointed by Suharto or Habibie. Popular reformists like Megawati Soekarnoputri, Abdurrahman Wahid, and Amien Rais were not represented in the DPR and MPR and were thus not directly involved in the shaping of a new democratic order.

These three top opposition leaders met — simultaneously with the MPR session — together with the Sultan Hamengkubowono X of Yogyakarta in Ciganjur on 11 November 1998, and passed a resolution, in which they demanded reforms in a peaceful and negotiated way. The Ciganjur Agreement was significant because it marked a parting of the ways between the increasingly frustrated students' movement demanding *reformasi total* (total reform) and the mainstream opposition led by the party leaders who favoured incremental change (Bourchier 2000, p. 19; Schwarz 1999, p. 375). In the view of O'Donnell and Schmitter (1986) and with hindsight, one could now easily

differentiate between opposition hard-liners and soft-liners. While the former remained critical observers of the democratization process, the latter became major actors in the democratization process and started their preparations for the forthcoming elections in 1999.

## *BALIGATE* AND AN ACCOUNTABILITY REPORT: THE OVERSIGHT FUNCTION

In a nutshell, parliament experienced a complete change of its functions compared to the authoritarian order. From a rather insignificant institution that simply supported the government in the *Orde Baru*, it became the centre of attention for national politics (Nainggolan 2001, p. 322). The relationship between parliament and government became more and more controversial, especially after the elections in June 1999. President Habibie had support mostly from modernist Muslims, since he had long been the ICMI chairman, as well as from non-Javanese legislators, since he was born and grew up in the Eastern province of South Sulawesi. The opposition against President Habibie and his government emerged from parts of all four factions in the DPR — even from his own Golkar party — and led finally to the MPR's rejection of the president's accountability speech and thus to Habibie's renunciation of a new candidacy for the presidency.

Of special interest in this case is the position of *Partai Golkar*, which until the general elections in 1999 had a large majority in the DPR. As was already pointed out earlier in Chapter 4, conflict within Golkar had direct repercussions on the work of the parliament. Another controversy started when Golkar nominated Habibie as candidate for presidency during the MPR session in 1998. Parts of Golkar believed that Habibie was not the right choice for several reasons. The most important of these was that he still "had baggage" from the Suharto era, so that nominating him could have been regarded as counterproductive for the efforts of Golkar to build up a new image of distance from Suharto and the *Orde Baru*.

Dewi Foruna Anwar, at that time an advisor of President Habibie, reported that the president took the initiative for better relations between president and parliament. Only a week after assuming office, Habibie paid a visit to the leadership of the DPR. Such a step was new since former President Suharto simply summoned the DPR leaders if he wanted to give them instructions on their legislative duties (Anwar 1999, p. 39).

However, Habibie came under heavy pressure from parliament and his own Golkar faction when his involvement in the Bank Bali scandal became public in June–July 1999. Bank Bali had paid a total of 550 billion rupiah

(about 45 million euro) to a number of Golkar leaders in order to support the election campaign of the party. The DPR then exercised its power to call President Habibie to give testimony regarding its handling of the Bank Bali scandal. In Committee IX of the DPR dealing with State Budget, Finance and Banking, a number of Golkar members even threatened to launch further sanctions against Habibie.

The bank directors involved were ferociously attacked. The hearings in parliament were frequently televised nationwide. The involvement of the president in the bank scandal captured the interest of many ordinary Indonesians. Such a broadcast would have been unimaginable in the *Orde Baru* and reflected the new freedom of the media in Indonesia. PPP and Golkar representatives in parliament urged the people involved to step down. President Habibie reacted angrily and called Party Chairman Akbar Tandjung, urging him to discipline the outspoken Golkar members of parliament. In the end, parliament decided not to summon Habibie, a move which showed that while some members of parliament took their oversight function toward the executive more seriously, a majority within the DPR remained steady in their support of the president. The Bank Bali scandal caused a great deal of criticism and only half-heartedly was tackled by the parliament and finally "swept under the carpet".

Parliament's oversight function was also tested by one of President Habibie's most disputed decisions: his move to call a referendum about independence or autonomy for East Timor, since 1976 the twenty-seventh province of Indonesia. Nationalistic legislators such as Sembiring Meliala (PDI-P) strongly criticized this decision: "Habibie made a fatal decision when he offered the referendum on East Timor. This decision was made without asking the DPR or the MPR, which showed the power of the president at this before the constitutional amendments."[16]

On 21 September 1999, President Habibie was summoned to give an explanation before a DPR plenary session over the result of the United Nations-sponsored ballot in which East Timor voted for independence from Indonesia. The president defended his policy in an one-hour address, pointing out that the government's decision to offer the East Timorese special autonomy or separation from Indonesia was designed to set Indonesia free from international pressure and asked the DPR to respect the outcome of the vote in East Timor. The legislators, however, were not given any opportunity to ask Habibie questions. Ade Komaruddin, Ferry Mursidan Baldan and Ali Yahya, all legislators from the Golkar faction, raised their hands to interrupt Habibie's explanation. But all three were ignored by DPR Vice-Chairman

Abdul Gafur, who presided over the plenary session. While many legislators voiced their disappointment at the lack of opportunity to ask questions or make comments on Habibie's speech, Gafur commented positively on the meeting with Habibie, pointing out that it was the first time a president had explained his policy to the parliament regarding a serious issue. "We want such a hearing to be made a tradition in the future", he stated.[17]

The opposition of parts of the powerful Golkar faction against Habibie grew steadily. The efforts to stop the nomination of Habibie as presidential candidate in October 1999 reflected, to some extent, the influence of the *reformasi* movement outside of Golkar. One could say that the efforts had been a response from some parts of Golkar to the demands of the reform movement. For the supporters of Habibie, the actions of his adversaries were clear indications that they did not respect the decision already made at the Golkar leaders' meeting (*rapat pimpinan Golkar*). These different opinions finally led to serious internal disputes within Golkar during the 1999 MPR session. How strongly this conflict was fought became clear when Habibie finally decided not to run for presidency on 20 October 1999.

The supporters of B.J. Habibie as presidential candidate were supported by Golkar figures from Eastern Indonesia like A. A. Baramuli, Marwah Daud Ibrahim, Nurdin Halid, Andi Mattalatta, Idrus Marham, and others. At this time, the *Iramasuka Nusantara* — a wing of Golkar — came into existence. *Iramasuka* is an acronym for Irian Jaya, Maluku, Sulawesi, Kalimantan. These regions, together with the Nusantara Islands, are all part of the eastern provinces of Indonesia. This wing supported the presidential nomination of Habibie as he was not Javanese and grew up on the eastern island of Sulawesi. They also argued that Golkar had its best election results in the eastern provinces of Indonesia, and thus a group from these regions should decide who should run for presidency (Irawan 2002, p. 37).

The wing within Golkar who refused Habibie as presidential candidate argued — under the influence of the reform movement — that a "clean" person, having no direct connection with the authoritarian past had to be chosen as new presidential candidate. They saw Habibie as a hindrance to the reform that Indonesia needed. This wing was represented by Akbar Tandjung, Marzuki Darusman, Ferry Mursyidan Baldan, Ade Komaruddin, Ali Yahya, Syarfi Hutahuruk and Slamet Effendy Yusuf (Irawan 2002, pp. 37, 42). In an interview in 2002, however, the latter denied having been against Habibie at this time.[18] Marzuki Darusman is quoted as saying that Golkar should not hesitate to withdraw the decision for Habibie, and even the new Party Chairman Akbar Tandjung is quoted as declaring that the final word on the

nomination of Habibie had not yet been spoken, but this matter had to be discussed again in the national leadership board (DPP) of Golkar (Irawan 2002, p. 42).

In September 1999, Habibie is said to have asked Akbar Tandjung to dismiss forty members of DPP who were opposing him. Akbar Tandjung is said to have answered that he could not take this step, and that figures like Marzuki Darusman were very important for Golkar, because they gave the party are better image by being pro-*reformasi*. In the days preceeding the accountability report (*laporan pertanggungjawaban*) of President Habibie, the pro-Habibie wing of Golkar was busy lobbying MPs from other parties to accept this report. The anti-Habibie wing of Golkar, however, reportedly urged other legislators not to accept his accountability report, in order to prevent his candidacy (Irawan 2002, p. 42).

For decades the accountability report of the president delivered to the MPR was a pure formality. In the reform-era parliament, MPR tried everything to distinguish itself from past behaviour. New attitudes showing the newly acquired self-esteem of the DPR and the MPR became striking at the MPR session in October 1999. When President Habibie entered the assembly hall on 1 October 1999, he

> was greeted by the members with boos as well as applause. Most members remained seated. It had been agreed that nobody would stand up when Habibie entered or left the hall, to show that the People's Congress and not the President was the highest political authority in the country. As another token of the new era, Habibie was only allowed twenty minutes for his opening speech. Some had wanted no speech from Habibie at all, considering such a speech a deplorable New Order custom (van Dijk 2001, p. 455).

Another example showing the will of the MPR to exert more influence over the government's politics was the decision of the MPR during the 1999 session to convene once a year, and not once in five years. The elected president was to give a progress report annually to the MPR and an accountability report at the end of his term.

Habibie's accountability report was extensively discussed and finally not accepted by the MPR. In a secret vote on 19 October 1998, the MPR decided for the first time in Indonesian history to reject the presidential accountability report by 355 votes to 322, effectively ending Habibie's political career (Liddle 2000, p. 37) by prompting him to declare his refusal to run for re-election.

Jun Honna, referring to an interview with a member of the TNI/ PolRI-faction, suggested that then TNI Commander Wiranto had instructed his faction to vote to reject the president's accountability speech (Honna 2003, p. 176). Of at least equal importance, however, was the voting behaviour of the Golkar faction.

At an evaluation meeting of the Golkar faction on 19 October 1999, the two groups within Golkar clashed again. In a heated debate, accompanied by hundreds of angry Habibie supporters from Sulawesi demonstrating outside the building, it became obvious that about thirty Golkar MPs refused to vote for Habibie (Irawan 2002, p. 44). According to MP Slamet Effendy Yusuf, it is quite possible that some Golkar members did not support Habibie.[19] Had these allegedly thirty members voted to accept the accountability report, a majority for Habibie would have been reached.

Publicly, the Habibie opponents within Golkar never admitted to having voted against Habibie. At the occasion of the thirty-fifth anniversary of Golkar in November 1999, Akbar Tandjung stated publicly that the refusal of Habibie's accountability speech was clearly not what they had expected (*sesuatu yang jelas tidak kita harapkan*). He further elaborated that he felt very sorry that the "father of democracy in Indonesia" did not succeed with his presidential bid (Tandjung 1999b, p. 95ff.) — merely rhetorical regrets.

As explained above, not everybody in Golkar felt disappointed that Habibie failed to run as a presidential candidate. During his entire presidency, he faced strong pressure from the dominant faction in parliament, his own Golkar faction. The actions of the DPR made it clear that uncritical support for the president and his government — an usual attitude during the *Orde Baru* — were gone within parliament in general and the Golkar faction in particular.

During Habibie's administration, public demands for revelations of widespread military human-rights abuses also involved the DPR. A parliamentary fact-finding mission on cases of military violence in Aceh and West Papua was established in 1998. It was headed — and this is telling — by one of the chairpersons of the DPR, Lieutenant-General Hari Sabarno from the ABRI faction. The mission held public meetings in Aceh and West Papua, where local people provided evidence of abuses (Crouch 1999, p. 136).

These investigations were only conducted half-heartedly and led to public apologies from ABRI officials, for example from then ABRI Commander Wiranto, but no concrete legal action against military human-rights violators followed. To make things worse, a legislator from Aceh and vice-chairman of the above mentioned commission, Nashiruddin Daud (PPP), who was

well-known for campaigning for the prosecution of accused military members, was abducted, tortured and killed by still unidentified men in January 2000. Amnesty International suggested that his murder may be connected to his activities and efforts to bring to justice those responsible for past human rights violations in Aceh.[20]

This incident reveals two aspects: First, there were some legislators who sought to deal with highly sensitive issues in their constituencies and second, that these legislators had a difficult task in conducting investigations into these issues. Since the former authoritarian forces still wielded power and exerted influence in the reform era, critical legislators faced difficulties.

## Budget Function

Soon after its inauguration, the Habibie administration revised the national budget, which was based on unrealistic macro-economic assumptions. The proposal, which the new Finance Minister Bambang Subianto presented to the DPR in July 1998, reflected the further deterioration of the Indonesian economy. The exchange rate of the rupiah against the U.S. dollar was set at 10,600 (before 5,000) and the economy was estimated to have shrunk by twelve per cent (the previous estimate was zero per cent). After three days of consultation with the government, the DPR was able to make changes to the government's budget proposal. For instance, the expected state income for the sale of oil and gas was reduced from 99,591 quintillion rupiah (about 9 billion euro) to 72,930 quintillion rupiah. On the expenditure side, the DPR reduced the amount for ordinary expenses (*belanja rutin*) from 87,294 quintillion rupiah to 74,044 quintillion rupiah and increased the expenses for development from 71,6 quintillion to 92,683 quintillion rupiah. It was the first time in thirty-two years that the DPR was allowed to make changes to the government's budget proposal.[21] On paper and in the constitution, the DPR always had the right to change the government's draft state budget, but of course it never interfered with the authoritarian rule of President Suharto. The unprecedented exercise of the budget right was a clear sign that the DPR was looking for more power among the state institutions and took its budget powers far more seriously.

On 23 July 1998, though it still voiced criticism, the DPR approved the state budget for 1998–99. The amount of foreign aid financing was the main point of criticism. Endin Soefihara (PPP) said that the huge foreign borrowing would be a heavy burden for the country in the future and that servicing the foreign debts would hamper improvements in the people's welfare.[22] The revised state budget covered expenditures until 31 March 1999.

Accordingly, in January and February 1999, a new round of budget talks took place between the Habibie administration and Committee VIII of the DPR. Again, the DPR voiced its reservations during the debates, especially on the refinancing of ailing banks.[23] The government finally agreed to lower its budget appropriation programme to 17 quintillion rupiah from the 18 quintillion rupiah it had earlier proposed. The DPR was responsible for other changes in the government's proposal, including a 15 to 50 per cent salary increase for civil servants. Again, the influence of the dominant Golkar faction became visible. In their speeches, several DPR members urged the government to ensure transparency and tight monitoring of budget spending in order to prevent leakage of public funds. Agreed upon by the government and all factions of parliament, the revised budget was finally passed on February 26, 1999.[24]

## MAKING A U-TURN: THE LEGISLATIVE FUNCTION

The Reform Era (*Era Reformasi*), which had come into being on 21 May 1998, was initially "not more than the New Order minus the Suharto family. By and large, the old political and bureaucratic structures had survived" (van Dijk 2001, p. 298). In order to pave the way for democracy and establish the new democratic order, there was an urgent need for the amendment of the constitution and writing of new important laws. Even if Olsen's statement is correct that parliaments have the greatest opportunity to act in a new democracy (Olsen 1994, p. 35), the options for parliaments are not unlimited, because they "can modify only by a finite amount a situation which [they have] to take as given. The notion of *tabula rasa*, or even of a fresh 'start' is clearly a myth" (Blondel 1973, p. 14).

Accordingly, the DPR had to deal with a huge amount of regulations dating from the authoritarian past to make the whole political system more democratic. Of special importance was the package of five political laws introduced in 1985. These laws, "widely regarded as the legal cornerstone of the New Order, made it impossible for any opposition party to win power and structured the legislative institutions in a way that made them beholden to the president" (Bourchier 2000, p. 17). Among this legislation were the Law on Political Parties, the Law on Elections, and the Law on the Composition and Status of DPR and MPR. If there were to be a possibility for free and fair elections, these legal regulations had to be amended first. Therefore, they became a priority for the Habibie administration as well as for the DPR.

In the months following the resignation of Suharto, parliament was busy preparing a new legal framework for the democratization of the political

system. Within days of Habibie's assumption of the presidency, a committee headed by scholar Ryaas Rasyid was formed to prepare three new acts: on the general election, on political parties, and on the composition of the representative bodies DPR and MPR. During September 1998, the administration submitted these three bills to parliament. It was quite clear, though, that major changes had to be adopted in a special session of the MPR. MPR decisions (*ketetapan MPR*) set the agenda and the broad guidelines of legislation. They are above the level of laws (*undang-undang*) in the legal hierarchy of Indonesia.

From 10–13 November 1998, a special session of the MPR took place in Jakarta. The vast majority of the participants were still the same as they were in the special session in March 1998, when they unanimously elected Suharto to his seventh term in office. It has to be stressed that the composition of the MPR in November 1998 mostly consisted of the people handpicked by Suharto. However, they made a U-turn in their political statements. Defenders of an authoritarian government system became democrats inspired by the reform era. The decisions of the MPR made important legal changes on the way to democracy and were as follows (Sekretariat Jenderal MPR 1998):

- MPR Decision no. VII/MPR/1998 on the rules of procedure of MPR RI;
- MPR Decision no. VIII/MPR/1998 on the withdrawal of the MPR Decision no. IV/MPR/1983 on the referendum;
- MPR Decision no. VIII/MPR/1998 on the withdrawal of the MPR Decision no. II/MPR/1998 on the State Guidelines;
- MPR Decision no. X/MPR/1998 on the essentials of development reformation in the framework of rescuing and normalizing the national life as state guidelines;
- MPR Decision no. XI/MPR/1998 on the organization of a country, that is clean and free from corruption, collusion and nepotism;
- MPR Decision no. XII/MPR/1998 on the withdrawal of the MPR Decision no. V/MPR/1998 giving special duties and authority to the president;
- MPR Decision no. XIII/MPR/1998 on the limitation of the term of office of the president and the vice-president of the Republic of Indonesia;
- MPR Decision no. XIV/MPR/1998 on changes and supplements concerning MPR Decision no. III/MPR/1998 on general elections;
- MPR Decision no. XV/MPR/1998 on the implementation of regional autonomy; just distribution of the national resources: financial balance between centre and regions in the framework of the unitary state of the Republic of Indonesia;

- MPR Decision no. XVI/MPR/1998 on economic politics in the framework of a democratic economy;
- MPR Decision no. XVII/1998 on human rights;
- MPR Decision no. XVII/MPR/1998 on the withdrawal of MPR Decision no. II/1978 on the interpretation of Pancasila (*ekaprasetia pancakarsa*) by President Suharto.

What were the specific democratic improvements of these MPR decisions? Article 1(1) of MPR Decision no. VII/MPR/1998 ruled that the MPR composition should be determined in a different way than before. The regional representatives (*utusan daerah*) should be elected by the provincial parliaments and the social groups' representatives (*utusan golongan*) appointed by the Election Commission. This decision put an end to the authoritarian practice of the selection of these MPR members by the president.

MPR Decision no. VIII/MPR/1998 abolished an MPR decree of 1983, which had made it almost impossible to change the constitution. Therefore, this MPR decision was the legal source for constitutional amendments. Such amendments were seen as inevitable in order to set up a more democratic political system by defining new roles for the major state institutions.

In its Decision no. IX/MPR/1998, MPR now officially made its U-turn on its policies and declared the state guidelines passed in March of the same year as no longer in accordance with the situation and the living conditions of the society, the nation, and the state and thus no longer valid. Instead of the old guidelines, they proposed new ones under the principle of development reformation (*reformasi pembangunan*). The phrase development reformation is an interesting combination of the old slogan of the *Orde Baru*, i.e., *pembangunan* (development) and the new slogan *reformasi* (reformation). Here, it becomes obvious that the MPR members did not completely give up their political thoughts of the *Orde Baru* era, but rather tried to adjust them to the new political circumstances (reformation). This MPR Decision no. X/MPR/1998 included chapters on the general conditions, targets, and policies of the development reformation. In the chapter on the general conditions, Part B dealt with politics. In this section, the MPR delivered a merciless assessment of the *Orde Baru*, stressing the dominance of the executive branch and the large gap between centre and periphery:

> The order of political life, which has been built up for thirty-two years has reached political stability and safety. However, the influence of the social culture of strong paternalistic patterns and neo-feudalistic culture has led to the result that the participation and political culture did not work in the national political system as they should. The executive

> power, which was centralized and restricted under the control of the presidential body, resulted in a structural and systemic crisis, so that the functions of the different state, social, and political institutions could not develop in a proportional and optimal way. The occurrence of corruption, collusion, and nepotism in the past was a result of centralized and restricted power.
>
> The connection mechanism between centre and periphery tended to follow the power of centralization, and the decision-making was not according to the geographic and demographic conditions. This fact blocked the creation of justice, the even spreading of development results, and the implementation of local autonomy. The developing of human resources, the mental attitude, and the production of national leaders did not work, as it should. The centralistic and neo-feudalistic pattern pushed a stream of qualified human resources to the centre and thus neglected the chances of the human resources in the regions. As a result, there was a leadership style which did not pay attention to the aspects of acceptability and legitimacy.
>
> (Sekretariat Jenderal MPR 1998, p. 33ff., translation by the author)

In the chapter on policies of the development reformation it is stated that:

> the tackling of the political crisis requires the development of a political life, which is democratic and stable with the objective to re-erect the authority and legitimacy of the government as fast as possible. … The following agenda must be carried out:
>
> a) Drafting of political laws, which support the democratization process.
> b) Carrying out general elections, that are fair, just, direct, general, free and secret by May or at the latest June 1999.
> c) Creating a clean government … in order to raise the credibility of the government in the eyes of the people.
> d) Creating social stability, safety and orderliness for the reform implementation.
> e) Upholding of people's sovereignty by giving state institutions, political bodies and society in general a supervisory role toward the government.
> f) Respecting the religious beliefs, aspirations and the programmes of social and political organizations that do not conflict with *Pancasila*.
> g) Clear division in the responsibilities of the executive, legislature and judiciary.
> h) Adjusting the implementation of the dual function (*dwifungsi*) of ABRI with the new paradigm of the role of ABRI in the social, national and public life.
>
> (Sekretariat Jenderal MPR 1998, p. 37ff., translation by the author)

The political agenda of this MPR decision was in accordance with the demands of pro-democracy activists of the reform movement: new political laws, free elections, clean government, separation of powers, and religious and political tolerance. The MPR now adopted this attitude and stressed its new political targets with the words "must be carried out" (*harus dijalankan*). On the new role of the Armed Forces, this MPR decision is, however, quite vague and the prosecution of *Orde Baru* crimes is not even mentioned.

In MPR Decision no. XI/MPR/1998, another slogan from the reform movement is used: KKN (*Korupsi, kolusi dan nepotisme* — corruption, collusion, and nepotism). While concrete actions are not described, this MPR decision explicitly mentioned in Article 4 former President Suharto and his cronies as bad examples for KKN. The direct accusation of the former president can be seen as a concession of the MPR to the popular demands of the reform movement, which demanded a trial for Suharto.

Only six months earlier, in March of the same year, the MPR had a completely different opinion on the then-president when they granted him special duties and authority. In its MPR Decision no. XII/MPR/1998 of November 1998, they consequently revoked their decision from March 1998.

Another democratic improvement was the limitation of the presidential term to two terms of five years, which was stated in MPR Decision no. XIII/MPR/1998. In its explanation of this decision, the MPR declared that since there was no limitation on how many times a president could be re-elected there was some selfishness (*penafsiran*) which damaged the people's sovereignty and the democratic life. Here, of course, the MPR referred to the long rule of Suharto, but did not mention his name explicitly.

Another important decision for the future of the democratization process was MPR Decision no. XIV/MPR/1998 on general elections. As already pointed out in the statement on the basics of political reform (MPR Decision no. X/MPR/1998), general elections should be held by May or at the latest June 1999 and every five years thereafter. Without this decision by the MPR, the next general elections would have only been held in 2002. The five-year mandates of the legislators received in the authoritarian elections in 1997 had to be shortened.

Furthermore, MPR Decision no. XIV/MPR/1998 ruled that all political parties could participate in the upcoming elections, provided they fulfil the legal requirements. They should all have the same status (*kedudukan*), rights, and obligations. This referred to the practices during the *Orde Baru*, when only three parties were allowed and one was treated as superior to the others in many ways.

Another part of the MPR Decision no. XIV/MPR/1998 was the clause that provided for a free and autonomous Election Commission (*Komisi Pemilihan Umum*, KPU) to oversee the general election. This new organization, as well as independent civil organizations, was allowed to monitor the elections. This regulation ended the authoritarian practices during the elections, when the Ministry of Interior, as the responsible authority, favoured one party and election monitoring was not allowed. Article 6 of this MPR decision, however, had some authoritarian character when it stated that the members of the national, provincial and district parliaments included not only elected members of political parties, but also appointed members of the armed forces.

The MPR decisions of November 1998, which were the first important legal source for political change, reflected the increasing role of the DPR and the MPR in the field of legislation. Certainly, the MPR decrees were to some extent initiated or supported by the Habibie administration (Anwar 1999, p. 40), but the outcome was finally determined by the legislators. The MPR decrees, which gave broad guidelines for legislation, needed to be transferred into laws, which regulate the necessary details. One of the most important matters was the legal preparation of free and fair elections for the parliament. In order to attain this target, important legal regulations and provisions dating from the authoritarian order needed to be adjusted.

President Habibie appointed seven legal experts, the "Team of Seven", headed by scholar Ryaas Rasyid, to draft a set of laws to be considered by parliament. The discussion of the acts in parliament was a somewhat odd affair, because it involved only Golkar, PPP, the armed forces, and PDI. It left out main parts of the opposition and parties like PDI-P, PAN, and PKB. Although these parties were not represented in the DPR, the "parliamentarians had to take into consideration the forces outside the Parliament" (Suryadinata 2002, p. 85).

As the Golkar faction was by far the biggest faction in the DPR, they could have easily dominated the law-making process. The other three factions (PPP, PDI, ABRI) however, supported the *Pancasila* principles of compromise and consensus in decision-making in the DPR. As Golkar accepted these guidelines, other parties could gain more impact on the law-making processes. PPP even threatened a walkout if Golkar forced votes upon the DPR over the traditional use of consensus (Zenzie 1999, p. 244). Despite these threats, the process of forging the new political laws was a "surprising amount of give and take. … Students clashed with police outside, but decorum and civility prevailed inside the DPR" (King 2000, p. 105). The set of laws, which were passed in January 1999, reflected compromise among the political elite, but also the need to accommodate public pressure and criticism. In the following

sections the crucial issues during the debates and major results of these laws are presented.

## Party Law (Undang-undang no. 2/1999)

In order to adjust the changed political situation after the regime change and to guarantee access for many of the new parties to participate in the 1999 general elections, the DPR also had to modify the party law. While the previous authoritarian Party Law no. 3/1985 allowed only Golkar, PPP and PDI to take part in the elections, it now became unquestionable that the other newly created or revived parties would also get their chance. It was only a few months before the general elections that the political parties founded after the downfall of Suharto could be officially recognized. They had to register with the Justice Ministry, which left a great degree of discretion in the hands of the executive to exclude unwanted parties (Stockmann 2004, p. 112). However, until 2004, no major difficulties occurred in the registration process.

All parties were allowed to establish organizational structures at all administrative levels, including district and village level. This stipulation effectively put an end to the authoritarian floating-mass policy of the *Orde Baru*. Another important change was the regulation that *Pancasila* was no longer required to be the sole ideological basis for the political parties. Quite a few parties then took Islam as their official ideology. However, the Party Law required all parties to acknowledge *Pancasila* as the basic philosophy of the state.

The Communist Party of Indonesia (PKI, *Partai Komunis Indonesia*) still remained banned under the new Election Law. Here again, the anti-communism ideology of the *Orde Baru* prevailed. A discriminatory clause was the denying of passive voting rights to former members of the Indonesian Communist Party (PKI) and its affiliated organizations. Thus they were not allowed to run as parliamentary candidates.

In order to discourage the emergence of particularistic regional parties and to limit the number, a set of preconditions was imposed on political parties to be allowed to participate in the general elections in June 1999. Article 3 of the Party Law ruled that a party might not be allowed if it endangered national unity and integrity. In the corresponding explanation this regulation was specified to political parties which pursue separatist objectives. Purely regional parties were thus not allowed to register. Together with the banning of the communist party, such regulations are clear limitations on freedom of association. It could be argued that democracy cannot limit

such basic rights without losing one of its essential components (Stockmann, p. 112).

Surely the prohibition of these parties poses a dilemma for analysts. They could argue that prohibition could be legitimized by arguing that emerging democracies are fragile systems. They have to develop defence strategies in order to exclude extremist parties that struggle for the abolition of democracy. They should be prevented from becoming powerful enough to accomplish their aims by using the possibilities that democratic freedom offer them. So, in some cases, one of the basic principles of democracy — the right of free association — can be restricted to protect democracy itself.

If free association is to be limited, it must be clear that democracy itself must be gravely and directly endangered. However, in the case of the Indonesian Communist Party and to a lesser extent regional parties such a direct threat was not visible and the exclusion of them was consequently against democratic principles. In 2004, the Constitutional Court followed this argumentation and declared the banning of the PKI unconstitutional.[25]

## Election Law (Undang-undang no. 3/1999)

The authoritarian electoral system had produced weak representative bodies which were no match for the strong executive. The new election law should guarantee the conditions for free and fair elections and thus strengthen the legitimacy and the political power of the DPR.

The party that lobbied hardest for the existing system of proportional representation to be changed majority to a district system was Golkar. Its intention might have been to improve its chances in elections. It would be advantageous for the party to compete on a local level with many new parties with fewer established networks all over the archipelago. All other parties preferred a proportional election system, which seemed more favourable to them (Bourchier 2000, p. 17). In particular, PDI-P, which was not yet represented in the DPR, argued for keeping the proportional election system. Only a minority within PDI-P proposed a change. Aberson Marle Sihaloho, for example, said that every legislator has to be elected directly by the people. Therefore he strongly supported a majority election system, but had to accept that his party had another opinion.[26] His party fellow Sembiring Meliala, for example, said that Indonesia needed to continue with a proportional election system because the population was not ready or prepared (*tidak siap*) for the majority district system.[27]

In the end, the proportional election system remained — with some minor changes — the same as during *Orde Baru* times.[28] The proposal of an

election system with single-member districts was scrapped not only for lack of political support within the DPR but also "due mostly to time constraints" (Zenzie 1999, p. 243). As the elections were scheduled to be held just six months later, the administrative changes necessary for a majority election system seemed unfeasible. While all major political parties, including those powerful outside the DPR agreed on the proportional election system, critics argued that the choice of this election system "ensured that political power remain[ed] firmly in the hands of the Jakarta elite rather than directly elected representatives accountable to their voters. Parliament would be filled by political hacks serving their party bosses — not representatives serving the long-disenfranchised mass of ordinary Indonesians" (O'Rourke 2002, p. 200).

However, such an argument, which is heard quite often among reform-oriented academics and NGOs, however, omits the advantages of a proportional election system and overlooks the disadvantages of majority election systems. As experiences in many other developing countries like the Philippines have shown, a plurality election system does not automatically produce an improved parliament with more responsible legislators (Rüland 2003). Supporters of a majority election system argue that this will raise the accountability of legislators, since those who fail to address the needs of their constituencies will be voted out of office. This is, however, mere theory. When it comes to patronage politics, it would be naïve to believe that Indonesia will be any different from its neighbouring countries (McBeth 1999, p. 26).

Law No. 3/1999, however, had a serious flaw. It set a threshold regulating that only parties which won at least two per cent of the vote in the election would be admitted to the next parliamentary election. While Indonesian analysts and legislators praised this regulation as an effective instrument to limit the number of political parties by forcing them to merge in following elections, Western political observers rightfully criticized that such a provision works to the disadvantage of smaller parties which have no prospect of growing and maturing over a certain period of time (de Carlo and Ziegenhain 1999, p. 68; Stockmann 2004, p. 132ff.). They also argued that parties will circumvent the rule by simply adopting new names to register under. In any case, an immediate threshold makes sense when it contributes to the reduction in the number of parties in parliament in order to have a more effective parliamentarianism. But the preclusion of parties for future elections is clearly discriminative and without real consequences.

Another important point of the new Election Law — implementing the above-mentioned MPR decree — was the establishment of the independent General Election Commission (KPU, *Komisi Pemilihan Umum*)

replacing the government-controlled General Election Institute. The new Election Law stated that if the KPU was unable to reach a consensus, the president had the right to intervene — which Habibie finally did after the 1999 elections. He unilaterally declared the results of the election valid, bypassing the stalemated election commission. After the elections, the KPU was unable to officially validate the election result. Small party representatives in the KPU whose parties won no seats in the election refused to endorse the final official results. The stalemate within the KPU on vote certification was finally surmounted when President Habibie signed a decree on 4 August 1999 validating the results.[29]

A controversial point in the DPR deliberations was the question of whether civil servants would be allowed to campaign for political parties in the election. Golkar, which, during the *Orde Baru*, always relied on the strong support of local civil servants, wanted to maintain this right for strategic reasons. PDI and especially PPP were strongly opposed. After hot debates, which "nearly derailed the election preparation process completely" (Bourchier 2000, p. 18), a compromise was eventually reached. Civil servants were allowed to join political parties and to campaign, provided they had the permission of "authorized officials" and were prepared to take paid leave from their government position. Because of the latter regulation, Ministers Akbar Tandjung (Golkar) and Hamzah Haz (PPP) withdrew from the cabinet in order to campaign for their respective parties. The compromise reached on the question of civil servants campaigning was in favour of Golkar. It reflected the power relations in the DPR, which was still dominated by Golkar at this time.

## Law on Composition and Structure of DPR, MPR and DPRD (Law no. 4/1999)

Another important decision by parliament was the Law on the Structure and Composition of the MPR, DPR and DPRD (*Dewan Perwakilan Rakyat Daerah*, Regional Parliaments). During the *Orde Baru* the MPR, which, among other tasks, had the responsibility to elect the president, consisted of the entire DPR plus 500 regional and functional group representatives appointed by President Suharto. It was obviously not democratic that half of the MPR members were appointed by the president, whom they re-elected every five years. The 1945 Constitution stipulated that there should be regional and group representatives in the MPR, but did not specify how many and how they should be chosen. The proposal of the "Team of

Seven", the government's reform commission, to reduce their number from 500 to 200 was accepted by all factions in the DPR as well as by the main political parties not represented in the DPR. The number of MPR members was thus reduced from 1,000 to 700 in Article 2 (2) of Law no. 4/1999 by decreasing the number of regional and social group representatives from 500 to 200. Because the DPR kept its 500 seats, parliament strengthened its importance in the MPR. Instead of the earlier 50 per cent, the DPR now comprised 71.4 per cent of the MPR members.

The government's proposal, that these 200 regional and group representatives should be appointed by the General Election Committee (KPU), was rejected, however, by all parties except Golkar. They argued that this regulation would still leave too much influence for the government (Bourchier 2000, p. 18). In the end, the DPR decided that the 125 regional representatives should be elected by the regional parliaments, while the 75 group representatives were appointed by the KPU.

A very controversial point was the question of what should happen with the military representation in parliament. As pointed out earlier, the number of appointed ABRI representatives was finally reduced from seventy-five to thirty-eight (see earlier in Chapter 4). This meant that the contested seats for parliament in the elections were raised from 425 to 462 of the total 500 DPR seats.

In Article 33 (2) the rights of parliament in relation to the president were considerably augmented: It now had the right to establish regulations with the president, to enact the National Budget with the president, and to conduct supervisory activities. In the following Paragraph 33 (3), DPR got more rights to implement its duties and power as stated in Paragraph 33 (2). Among these rights the parliament was allowed by law to:

- require information from the President
- conduct investigations
- amend draft laws
- launch statements and opinions
- propose draft laws
- propose someone to fill in a certain post specified by the regulations
- determine the DPR's budget

With this law, the DPR had become much more powerful than before (Suryadinata 2002, p. 86). The recalling of recalcitrant MPs by their political parties, which was a common practice during the *Orde Baru* and which

reduced the freedom of each legislator to voice his or her opinion, was explicitly forbidden by Article 38 (2) of Law no. 4/1999.

The three new Laws on Political Parties, General Elections and on the Composition and Status of DPR and MPR were ratified by the DPR on 28 January 1999. At this time, the debates of the DPR special committee preparing the political laws (*panitia khusus RUU politik*) did not get much public and media interest (Sunata 1999, p. 25). On the day the political laws were passed, only about 100 people demonstrated in front of the parliament building. An activist from a major reformist student organization said that the students did not believe that these legislators, who are products of the authoritarian *Orde Baru*, could draft democratic political laws (Sunata 1999, p. 48).

In conclusion, the regulations of the MPR in November 1998 set the basics for the legal framework of the democratization process, which had to be specified in laws. The decision of parliament to pass a new Party Law (Law no. 2/1999) and a new Election Law (Law no. 3/1999) were milestones in the regime change. However, the three political laws had only a provisional character and were revised in 2002 and 2003.

The last step of the "old" parliament, however, was much more questionable. The passing of an Emergency Act (*undang-undang penanggulan keadaan bahaya*, Law to Overcome a Dangerous Situation), giving the Armed Forces far-reaching powers once a state of danger or emergency had been proclaimed, drew much criticism from the reform movement. Its opponents argued that the law could jeopardize the young democracy and lead to constitutional dictatorship and militarism. It was thought by critics to be a typical New Order product. The Act, "in every sense the last act of the parliament" (van Dijk 2001, p. 453) elected in the unfair elections of 1997, showed the continual connection with the authoritarian past, as it did not strengthen democracy but broadened the possibilities for a return to military rule.

## Notes

1 Article 8 of the Indonesian Constitution stipulated that the elected vice-president should complete the remainder of the presidential term in case the president is no longer able to fulfil his duty. Habibie therefore had a constutional mandate to carry out his term through 2003.

2 Interview with Dimyati Hartono, PDI-P faction, 15 November 2002, in Jakarta.

3 Interview with Slamet Effendy Yusuf, 17 December 2002, in Jakarta.

4 Interview with Jakob Tobing, PDI-P faction, 4 December 2002, in Jakarta.
5 "High-risk East Timor Strategy Pays Off for Howard", 13 September 1999, <http://www.abc.net.au/7.30/stories/s51478.htm> (accessed on 20 July 2007).
6 This statement particularly refers to the democratic transition in the Central European states of Poland (Merkel 1999*b*, p. 410ff.) and Hungary, while in several Eastern European states such as Romania, Bulgaria and Russia different types of regime change took place.
7 Interview with Jakob Tobing, PDI-P faction, 4 December 2002, in Jakarta.
8 Interview with Dimyati Hartono, PDI-P faction, 15 November 2002, in Jakarta.
9 Interview with Slamet Effendy Yusuf, Golkar faction, 17 December 2002, in Jakarta.
10 Interview with Slamet Effendy Yusuf, Golkar faction, 22 November 2002, in Jakarta.
11 Interview with Akbar Tandjung, Golkar faction, 3 December 2002, in Jakarta.
12 The original Indonesian text reads as "*Pengangkatan anggota Angkatan Bersenjata Republik Indonesia dalam DPR RI dan DPRD dilakukan pengurangan jumlahnya secara bertahap dan selanjutnya diatur oleh undang-undang.*"
13 Interview with Aberson Marle Sihaloho, PDI-P faction, 22 November 2002, in Jakarta.
14 Interview with Sembiring Meliala, PDI-P faction, 29 November 2002, in Jakarta.
15 Interview with Jakob Tobing, PDI-P faction, 4 December 2002, in Jakarta.
16 Interview with Sembiring Meliala, PDI-P faction, 29 November 2002, in Jakarta.
17 "Habibie's Speech Gets Mixed Reactions", *Jakarta Post Online*, 22 September 1999.
18 Interview with Slamet Effendy Yusuf, Golkar faction, 22 November 2002, in Jakarta.
19 Interview with Slamet Effendy Yusuf, Golkar faction, 22 November 2002, in Jakarta.
20 Amnesty International Appeal: "Indonesia: Acehnese Human Rights Defenders Under Attack. Nashiruddin Daud, Acehnese Parliamentarian", <http://web.amnesty.org/library/print/ ENGASA210092000>.
21 "Pertama kali DPR ubah APBN", *Kompas Online*, 22 July 1998.
22 "House Upset over Foreign Aid Chunk of State Budget", *Jakarta Post Online*, 24 July 1998.
23 "Tiga fraksi DPR tolak anggaran rekapitalisasi", *Kompas Online*, 13 January 1999.
24 "Disetujui ABPN 1999/2000 Rp. 219,603 Trilyun", *Kompas Online*, 27 February 1999 and "House Tells Govt to Improve Budget Monitoring System", *Jakarta Post Online*, 25 February 1999.
25 "PKI One Barrier Removed", *Jakarta Post Online*, 26 February 2004.
26 Interview with Aberson Marle Sihaloho, PDI-P faction, 22 November 2002, in Jakarta.

[27] Interview with Sembiring Meliala, PDI-P faction, 29 November 2002, in Jakarta.

[28] It has to be noted that the election system is not purely proportional, since in determining the winners of seats at provincial level, some district-based elements were agreed upon. For further information see Sulistyo (1999) and Stockmann (2004, pp. 116–20).

[29] "Report on the 7 June 1999 Parliamentary General Election and Recommendations for Electoral Reform", <http://www.ifes.org/reg_activities/docs/1999_Post_Election_Report.pdf>.

# 5

# POWER BROKER
# The Role of the Parliament during the Presidencies of Abdurrahman Wahid and Megawati Soekarnoputri

According to the transition theories, after the election of a freely elected non-authoritarian government, the democratization process enters the third stage — the consolidation period. In the transition theories, the consolidation period is usually defined as the space of time between the appointment of a freely and fairly elected new government as a starting point for a stable democratic system in which the "rules of the game" are independent from the ruling figures, groups, and parties.

However, the question remains whether Indonesia really entered the consolidation period after the free and fair general elections for parliament in June 1999 and the MPR vote for the new President Wahid in October 1999. Indonesian legislator Sembiring Meliala gave this opinion: "The presidency of Habibie was the transition period (*masa transisi*), because after the elections we reached democracy."[1] This statement, however, is questionable. The usual features of the end of the democratization period — the definition of the "rules of the game" and the completion of institution-building — were not achieved by October 1999, but in the following years and only became effective in October 2004. Therefore, some important characteristics of the democratization period continued to be relevant in this stage of democratic transition. Consequently, I regard the time frame of this chapter (October 1999 until October 2004) not as the consolidation period, but rather as an extended democratization period (democratization period II).

The second part of the democratization period in the Indonesian democratic transition process started with the election of the moderate Muslim leader Abdurrahman Wahid as the new president at an MPR session in October 1999, which ended the term of interim President Habibie. The discussion process at this MPR session took place in a "heated atmosphere, but within limits that can be tolerated" (Tandjung 2003, p. 300).

During this MPR session in 1999, the Indonesian president was elected for the first time by a genuine voting process. All previous presidents in Indonesian history were elected by acclamation of a single candidate. Abdurrahman Wahid was elected at an MPR session which Akbar Tandjung later described as "dynamic, escalative and often unpredictable. The political map changed easily and fast" (Tandjung 1999b, p. 94). The other candidate, Megawati Soekarnoputri, whose party got the greatest number of votes in the parliamentary elections in June 1999, suffered a defeat against Wahid, whose PKB party managed to attain just over ten per cent of MPR seats. The outcome, which surprised many political observers, resulted from backroom deals between Wahid, MPR Chairman Amien Rais, and Akbar Tandjung, who were successful in building an anti-Megawati coalition in the MPR (Mietzner 2000).

Wahid's term should have lasted until 2004, but because of his erratic political style and lack of success in internal and economic affairs, he lost the support of important factions in the DPR. During a special MPR session in July 2001, he was dismissed from office and replaced by Megawati Soekarnoputri. His dismissal created great discussion on the question of whether or not this was done according to the constitution. It became obvious that the rules for an impeachment of a president by MPR were not clearly defined in the 1945 Constitution.

The role of the DPR in the political power balance between parliament and government was estimated as very strong[2] or as deciding everything during the beginning of the second phase of the democratization period. Dimyati Hartono, a PDI-P legislator, gave three explanations for the strength of the parliament during this time. First, it was an intentional counter-movement against the presidential dominance of the last decades (antipode); secondly, it resulted from the low support of President Wahid in parliament because of the relatively small number of parliamentarians from the president's party, PKB; the third cause was the government style of the president himself who did not cooperate well with parliament and who therefore ignored legislators' demands.[3]

## NEW AND OLD ELITES IN THE "KINDERGARTEN": THE REPRESENTATIVE AND ARTICULATION FUNCTION

The composition of the DPR in the next phase of the democratization process (democratization period II) was determined by the general elections of 1999. These were a "monumental challenge … during a profoundly destabilizing economic crisis … (and) under totally new rules, with a very tight time frame and amid a fundamentally changed national political environment" (Zenzie 1999, p. 243). The Republic of Indonesia's Law no. 3 of 1999 on General Election regulated that the 462 members of the DPR were directly elected for five-year terms from multi-member constituencies by a party-list proportional representation system. For the distribution of the seats in each constituency the simple (Hare-Niemeyer) quotient was used. Based on the twenty-seven provinces of Indonesia there were twenty-seven constituencies in the general elections of 1999.

Indonesian administration had great difficulties managing a smooth canvassing and counting of the more than 100 million votes, especially on the outer and remote islands of the archipelago. Therefore, the counting of votes took much longer than originally intended. Two months after the election a large number of votes had still not been counted, then President Habibie and the General Election Committee (*Panitia Pemilihan Umum*) declared the interim score as the final election result on 1 September 1999. According to the official publication of the national Election Commission (Komisi Pemilihan Umum: no year) altogether 12,320,000 votes (10.5 per cent) had not been counted. The percentage of the uncounted votes ranged from 3 per cent in West Nusa Tenggara to 43.7 per cent in Aceh. Table 5.1 shows the final election result.

While the victory of Megawati's PDI-P had been predicted by political analysts, the election result of 22.4 per cent for the former government's party Golkar led to widespread discussion among political analysts. While some described Golkar as the "clear loser" (Young 1999, p. 7) or the "big loser" (Bourchier 2000, p. 20), others saw a "relatively good performance of Golkar" (Suryadinata 2002, p. 13) or even a "surprising victory of Golkar" (Budiman 1999, p. 15). Compared to the election results in the *Orde Baru*, the party suffered heavy losses, but many analysts predicted an even lower election result in the first free elections because of the tainted image of Golkar.

The proportional election system is clearly responsible for the multi-party structure represented in parliament. If a plurality election system had been applied for the 1999 elections, taking the 355 districts (*kabupaten*) and cities (*kotamadya*) as constituencies, PDI-P would have gained 182

**TABLE 5.1**
**Result of the 1999 Indonesian Parliamentary Elections**

| *Party* | *Votes (in per cent)* | *Number of Seats* |
|---|---|---|
| PDI-P | 33.7 | 153 |
| Golkar | 22.4 | 120 |
| PPP | 10.7 | 58 |
| PKB | 12.6 | 51 |
| PAN | 7.1 | 35 |
| PBB | 1.9 | 13 |
| PDI | 0.6 | 2 |
| 14 other parties | 7.7 | 28 |
| 27 other parties | 3.3 | 0 |

*Source:* King 2003, pp. 78–82. Compilation by the Author.

(51.3 per cent), Partai Golkar 143 (40.3 per cent) and other parties only 30 (8.4 per cent) of the then total 355 parliamentary mandates. Compared to the real result with the proportional election system, PDI-P (30.6 per cent), Golkar (24.0 per cent), other parties (45.4 per cent) it becomes obvious that the main reason for the introduction of the proportional election system — the broad and differentiated representation of the population — became reality inside the DPR. However, the main disadvantage of the proportional system — the splintering of the party system — was its tendency to produce unclear majorities in parliament. This was the case in Indonesia after the 1999 elections when more than twenty parties were voted into parliament. A majority election system would have resulted in a nearly perfect two-party system with PDI-P and Golkar sharing nearly 92 per cent of the mandates — definitely quite different from the real results under a proportional election system.

The election of the candidates was blemished by the fact that nearly all major parties did not allow some elected candidates to get a seat in the DPR, but exchanged them with candidates from the same or other constituencies and even from other provinces. The party leaderships picked candidates who had better relations and were thus estimated as more suitable than the candidates elected by the people (Haris 2003, p. 73). This clear distortion of the election rules as well as of the voter's decision was later approved by the National Election Commission (KPU), which was dominated by representatives of the political parties.

Another rather strange understanding of people's representation in parliament was developed by some parties which allowed multiple legislators to share a five-year mandate. Legislative candidates in many districts reached

a deal after the 1999 general elections to share the term of service at the DPR for the sake of fairness due to the almost identical number of votes each won. Because of unclear regulations in the Election Law of 1999, there was some confusion as to when a party was to choose who deserved the legislative seats. Many candidates topped the votes in their respective districts and thus were eligible for the DPR seat. However, in some cases, their votes were lower in percentage than their colleagues from other districts, who therefore claimed the right of the parliamentary mandate. The Golkar faction alone replaced twenty-two legislators in the middle of the five-year term in May 2002.[4] These procedures again underline the importance of the party leadership in determining who gets a seat in the DPR and for how long.

## Representation of Societal Interests

After the elections in 1999, a breath of fresh air came into parliament. Instead of the traditional four factions (Golkar, ABRI, PPP and PDI) there were now eleven. Two-thirds of the 500 legislators were newcomers.

The composition of parliament elected in the free elections in June 1999 marked a fundamental change. A great number of the former opposition elite were elected into parliament. A high percentage of newcomers became members of the DPR. Due to the changed Party Law (Law no. 2/1999) and the Law on General Elections (Law no. 3/1999), the party system represented in parliament changed dramatically. Parties that represented the former opposition, such as PAN (100 per cent), PKB (90 per cent) and PDP-P (81 per cent), in particular displayed a high rate of newcomers. A major change of the political personnel after a regime change does not come unexpectedly. In fact, nearly all founding elections following a regime change have produced a high rate of neophytes.

MP Achmad Farial reported that newcomers like him felt more confident in opposing the government than the old, established parliamentarians.[5] The new members, however, had to adapt to parliament's complex working mechanisms, thus giving the old, established parties and their members significant seniority advantages. Golkar, for example, "demonstrated its supremacy in handling parliamentary matters. Years of experience have provided Golkar with some invaluable advantages when it comes to lobbying and coalition-building" (Tomsa 2002, p. 22).

Another party with long-standing parliamentary experience was the PPP. Its legislator Achmad Farial praised his faction for allegedly knowing what is wrong or right. He said further that all the new parties lacked experience and that PPP had to teach them on parliamentary procedures.[6]

## Social Profile

The social profile of the Indonesian parliament between 1999 and 2004 was (like in most parliaments of the world) not fully representative of the population of the country. There is an overrepresentation of people with university education, older people (average age fifty-four years), and men (92 per cent). Expenses of the election campaign do — in comparison with other Southeast Asian elections — not play a pivotal role for the social profile, because the candidates depend strongly on their respective parties. Despite a great number of new deputies elected in the elections of 1999, there are obvious oligarchic tendencies.

According to a study of *Forum Masyarakat Peduli Parlemen Indonesia* (Forum of Citizens Concerned About the Indonesian Legislature), 27.7 per cent of the legislators had experience as members of parliament, 35.8 per cent were businessmen, 10 per cent were from the administration, and 23.2 per cent were described as others (journalists, lawyers, teachers, consultants, or scientists) (Forum Masyarakat Peduli Parlemen Indonesia 2001, p. 6).

Leo Suryadinata, referring to the research section of the newspaper *Kompas*, lists the following last-held occupations of the DPR members elected in 1999.

However, Suryadinata's findings have several weaknesses. The category of former DPR member is unclear and misleading. For example, 65.8 per

**TABLE 5.2**
**Professional Background of Indonesian Parliamentarians, 1999–2004**

| *Profession* | *Percentage* |
|---|---|
| Entrepreneur | 31.3 |
| [Previous] DPR Member | 23.4 |
| Teacher | 14.4 |
| Privately Employed | 4.4 |
| Member of Regional or District Parliament | 4.3 |
| Retired Civil Servant | 4.3 |
| Lawyer | 3.6 |
| Civil Servant | 3.2 |
| Member of the Armed Forces | 2.5 |
| Journalist | 2.2 |
| Consultant | 2.2 |
| Retired Member of the Armed Forces | 1.2 |
| Researcher | 0.8 |
| Others | 2.2 |

*Source:* Suryadinata 2002, p. 120ff.

cent of the TNI/PolRI faction were listed as previous DPR members. Therefore, I examined the curricula vitae of all 500 legislators which were published in two publications (Santoso 2000, Yayasan API 2000) and reached the following tally:

**TABLE 5.3**
**Previous Occupation of Indonesian Parliamentarians**

| *Profession* | *Total Number* | *Percentage* |
|---|---|---|
| Business | 149 | 29.8 |
| Politician | 91 | 18.2 |
| Military/Police | 46 | 9.2 |
| Administration | 42 | 8.4 |
| University | 39 | 7.8 |
| Religious Activist | 33 | 6.6 |
| Lawyer | 23 | 4.6 |
| Journalist/Media | 22 | 4.4 |
| Consultant/Bank | 17 | 3.4 |
| Employee | 10 | 2.0 |
| Teacher | 8 | 1.6 |
| NGO | 7 | 1.4 |
| Medicine/Pharmacy | 6 | 1.2 |
| Farmer | 4 | 0.8 |
| Artist | 3 | 0.6 |

*Source:* Assessment by the Author.

In this listing, I used the category "politician" for a legislator whose curriculum vitae only included duties in political parties and parliaments as their main profession. The category "religious activist" describes a legislator who mainly worked for religious organizations, for example, as a teacher in Islamic boarding schools (*pesantren*). Common to both lists is that businessmen make up the largest contingent of the parliament. In general, the legislators had a solid professional education, while lower classes, such as farmers and unskilled workers, who comprise a large majority in Indonesian society, were underrepresented.[7]

Political experts maintain that many ambitious politicians do not really like their job as parliamentarians. Instead they seek attractive jobs on the executive side. This described the behaviour of Taufik Kiemas, MP and husband of then-President Megawati Soekarnoputri, who led a governmental delegation with five ministers that visited the People's Republic of China

from 17 to 20 December 2001. In response to this, the managing director of the *Indonesian Institute for Defense and Strategic Studies* protested that this task should be the job of a government official and not that of a parliamentarian. He further suggested that Taufik Kiemas did not know his real rights and duties as a member of parliament.[8]

On the other hand, the DPR is very attractive for local politicians. Legislator Achmad Farial reported that it is quite different to work as a politician in a province as opposed to in Jakarta. Away from the centre, people are mainly concerned with local issues, while in Jakarta, they think of the whole country. Of course, every elected MP gets an upgrade of his personal and financial status upon becoming a politician at national level.[9] Legislator Mochtar Buchori (PDI-P) writing on his motivations to run for a seat in the DPR confessed that "it would feel nice to be a member of a political elite. Who would not? You are a member of an elite of 500 people in a country of 200 million. You got a handsome monthly allowance. And, in a way, you wielded power."[10]

Corruption, defined in the Corruption Act of 1971 as "illegal activities and misuse of position to enrich oneself or others to the detriment of the national economy and the finances of the state" (van Dijk 2001, p. 256), was widespread in the DPR. Many deputies have admitted to receiving additional money from state-owned and private organizations in addition to their salaries as parliamentarians. In an interview with *Jakarta Post*, the parliamentarian Sukono (PDI-P) confessed to having received money from the Ministry of Forestry and Agriculture and described his behaviour as absolutely normal among his colleagues. "We convened for deliberation on the (plantation) bill for days and nights. It is normal for me to accept cash", he was quoted by *Jakarta Post*.[11] Another legislator, Hartono Mardjono (PBB), believed that corruption and bribery are particularly high in the committees dealing with supervisory tasks over banking and state enterprises (Committees III, IV, V, VIII, and IX) and that these methods are common practice there.[12] Legislator Mochtar Buchori wrote that "it is stigmatizing that some of us — DPR members — were caught in degrading acts of corruption, public lying or resorting to casuistry to hide ignorance". Therefore he no longer felt proud to be a member of DPR and even began to feel embarrassed when people recognized him as a member of the national legislature. Consequently, he decided not to run for the DPR again in the 2004 elections.[13]

A common feature is the fact that legislators who deliberate bills receive money from involved state institutions. This practice was adopted from the New Order. In 1997, for example, the Minister of Tourism, Art and Culture, Abdul Latief, used the funds of a state workers' social insurance company, PT

Jamsostek, worth 7.1 billion rupiah (700,000 euro) to bribe legislators during the discussion of the Manpower Bill his ministry had introduced. The money "was used for paying a two-month-long sojourn in a luxurious hotel" (van Dijk 2001, p. 151ff.) for the MPs. Feisal Baasir, chairman of the powerful Committee IX dealing with industry and finance, admitted that corruption is not only in government agencies but also widespread at the legislative level (Baasir 2003, p. 144).

Another point of criticism is the overconfident, though lacklustre attitude of some legislators. DPR Vice-Chairman Muhaimin Iskander said that many MPs have an elitist attitude and do not work hard. They do their work in a routine way, acting not creatively but more like bureaucrats in an administration.[14]

A great number of rich people have a seat in parliament, although newcomers and MPs with religious and NGO affiliation normally have a middle-class background. A Public Servants' Wealth Audit Commission (KPKPN) was established in 1999 to check the wealth of senior public officials and parliamentarians. As the declaration of assets is mandatory but not yet regulated by law, more than 100 MPs had not provided information on their wealth by August 2002. Hardly compelling compliance with this requirement is the fact that sanctions are mild. Disobedient officials face the possibility of jail sentences up to a maximum of ten weeks or a fine of 9,000 rupiah (about 1 euro). Given the dismal enforcement record of the Indonesian judiciary against the powerful, such jail sentences have little or no deterrent effect. Not surprisingly, until now KPKPN has failed to publish the names of the legislators who refused to report their assets.

A remarkable case of dubious money politics involved Committee IX of the DPR. Two PDI-P members, Meilono Soewondo and Indira Damayanti Sugondo, made public that during a committee session in connection with the sale of Bank Niaga by the Indonesian Bank Restructuring Agency (IBRA), they were given an envelope with bribe money and refused to accept it. The other committee members, who were suspected of having also received envelopes, kept silent or even criticized the whistle-blowers. Indira Sugondo revealed that a number of state institutions gave money to legislators following hearings in the DPR. "Most of the money is given in cash", Indira was quoted as saying by *Jakarta Post*.[15]

Corruption charges in parliament became public once again, when in September 2002, the chairman of parliament, Akbar Tandjung, was sentenced to three years in prison for corruption. The Central Jakarta Court convicted him for misusing 40 billion rupiah (about 4 million euro) in funds of the State Logistics Agency (*Bulog*) that were supposed to be earmarked for

poverty alleviation, when he was minister in 1999 under President Habibie. Akbar Tandjung appealed against the sentence and — despite public protest — refused to resign from his post. The Jakarta High Court upheld the decision four months later. Immediately after the High Court's verdict, Akbar Tandjung requested an appeal to the Supreme Court and remained free at the judges' discretion. Legislator Dwi Ria Latifa (PDI-P) initiated a motion to force the DPR chairman to relinquish his position, but only won the support of 79 of the 500 legislators. "To protect the House's credibility, we, based on the House's internal rules, ask Akbar Tandjung to step aside", said Dwi Ria Latifa.[16] The parliament's factions were divided on the question of ousting Akbar Tandjung. Only legislators from the Golkar faction, the police and military faction, and the PBB faction did not sign the petition. The motion, however, failed to get through the DPR's steering committee's (*Bamus*) process of scheduling it for deliberation: not least because PDI-P Chairwoman Megawati Soekarnoputri for strategic reasons was against any political move targeting the DPR chairman. A proposal of some fifty legislators to establish an investigation committee also failed to find a majority within the DPR. Finally, Akbar Tandjung was acquitted by the Supreme Court of all corruption charges in February 2004.[17] Thus, from September 2002 until February 2004, the DPR was headed by a man who was convicted of corruption by a court, which seriously damaged the public reputation of the DPR as a whole.

The image of the political parties declined dramatically after the 1999 elections and led to a significant anti-party reaction by the public (Johnson Tan 2002). Contributing to this impression was not only the assumed corruption, selfishness and greediness of the political parties, but also the common horse trading[18] on posts and positions, the deal-making and the machinations of the parties in parliament. The frustration of a great part of the Indonesian public with the factions in the DPR "can be seen as typical of reactions faced in many situations of transition from authoritarian rule" (Johnson Tan 2002, p. 489). After the free and fair elections in 1999, the proportional representation system brought representatives from twenty-one parties into the DPR. Many Indonesians hoped that, in contrast to the past in the *Orde Baru*, the new legislators would truly represent the people of the constituencies they served. Most of the elected members of parliament, however, failed to connect with the people who elected them. Indonesian legislators were only weakly connected with their constituencies.

This was due to the electoral system, party structure, and power relationships, but also due to a lack of commitment on the part of the MPs themselves. The party leadership in Jakarta — and not the local party

organizations — determined in which province a person is placed on the party list. Therefore, it happened quite often that candidates are placed on the party list in a province to which they have no or only very loose relationships. As the electoral system was based on proportional representation with a closed list, voters could only elect parties and not persons.[19] To get a good position at the top of the party list, it was more important to have good relations with the party leadership than with local voters. Otherwise, candidates might have ended up at the bottom of the party list with very poor chances to get elected.

A good description of how one got on the top of a party list only to be dropped after the elections is given in the book written by PDI-P member Kurpan Sinaga (Sinaga 2001). He reported that the decision to make him the number one of the PDI-P list for North Sumatra lay solely in the hands of the party's chairwoman, Megawati Soekarnoputri. He had to pay 162 million rupiah (about 1,600 euro) to the party, officially for the party's election campaign expenses. It is quite a common feature in the Indonesian party system that candidates have to pay huge amounts of money in order to become one of the top candidates on the party list. After the elections in 1999, the party leadership decided that the number two and not the number one on the party list would get a seat in the DPR. A frustrated Sinaga argued that some kind of money politics must have played a role in this decision and asked rhetorically if DPR seats are for sale (Sinaga 2001, p. 95).

Australian scholar Greg Fealy named three reasons for receiving a relatively high position on the party list: high-level connections; presumed ability to "deliver" blocs of votes from a community group; and financial contributions to the party (Fealy 2001, p. 101).

In Article 20a of the Indonesian constitution, which lists parliamentary functions, a representative function is not assigned to parliament. Some analysts say that this explains why legislators do not feel obliged to represent the population in general and their voters in particular. Moreover, virtually no Indonesian MP maintains an office in his or her constituency. The sole exceptions were Alvin Lie Piao of PAN and Susono Yusuf from PKB, both of whom set up offices in their respective constituencies in Semarang (Central Java) and Bondowoso (East Java). Yet, these were private initiatives, which are not financially supported by their parties. During recess, which is every third month or four times a year, parliamentarians are expected to visit their constituencies, where they should listen to the grievances and demands of the local people. In reality, however, most MPs made only a short stopover in their constituency, meeting perhaps the local regent (*bupati*) and other local

notables, and then soon returned to Jakarta. For example, a legislator reported that during recess he had the obligation to make some visits with his committee and also in his constituency, but he would spend most of the time in the capital Jakarta.[20] Legislator Arif Mudatsir (PPP) explained that the recess period should be extended to give longer time for legislators to talk to their constituents. According to him, the allotted time is too short to understand the aspirations of the local people.[21]

In a national party convention, PDI-P Chairwoman Megawati Soekarnoputri strongly criticized the party's legislators: "There are legislators, who have never gone back to their constituencies, let alone fight for their causes." She also admitted that some of her party's MPs were involved in corruption and money politics and even called them "thugs".[22]

Some months before the general elections in 2004, a group comprising about 150 Indonesian NGOs, which called itself "National Movement Against Crooked Politicians" (*Gerakan Nasional Tidak Pilih Politisi Buruk*[23]) published a list of sixty-one politicians whom they deemed to be involved in corrupt practices and human rights violations and recommended to the Indonesian public not to cast their vote for them.[24] Promoters of the movement were, among others, senior journalist Goenawan Mohamad, Indonesian Corruption Watch (ICW) Coordinator Teten Masduki, as well as human rights activists Munir Said Thalib and Bambang Widjojanto. Another of the movement's initiators, Indira Damayanti Soegondo, a former DPR member of PDI-P, said that she believed most of the legislators could be categorized as "rotten" based on media reports.[25]

While some political analysts like Ikrar Nusa Bakti of the Indonesia Institute of Sciences (LIPI) welcomed the list, saying that the information would be useful for the public, most DPR members strongly rejected the list. Roy B. B. Janis (PDI-P) called the publication sensationalized and baseless. A legislator whose name was included on the list said that he thought the people know his track record and that it was unfair to put him on the list just because he had a different opinion on what constitutes a human rights violation.[26]

Given the legacy of centralized patterns of political party management, more autonomy at the local party level would allow for more democratic input, since these local party chapters would probably know the local problems better and have a better idea of who should represent the party and the local people. Until 2004, top-down patterns of relations with constituents were the rule. An example is the nomination of Jakarta Governor Sutiyoso by the PDI-P leadership, in spite of the protest and the nomination of another candidate by the Jakarta chapter of PDI-P.

## Relationship between the Parliament and the Political Parties

For an understanding of the problems of the DPR in Indonesia between 1999 and 2004 it is also necessary to examine the relationship between parliament and the political parties. Because of the proportional representation election system, the parties have a great influence on the actions in parliament. Parties are generally controlled by dominant leaders and democracy within the parties is not yet well developed. Within party structures, the leadership decides who is allowed to become a candidate in which constituency. The most important criterion to become a candidate for the national parliament is the personal relationship with the party leader(s).[27] For some political analysts like Tommi Legowo, the undemocratic party structures are the key hindrance for the consolidation of democracy in Indonesia.[28]

Given their history in Indonesia, political parties are still viewed ambiguously. Rather than being seen as serving the democratic function of representing the people, parties are widely perceived as reflecting narrow, even selfish, interests. So, the question Indonesians ask is whether these parties are people-oriented and thus concerned with issues of community needs or whether they are power-oriented with only vague concerns for how power can be used to represent broader interests. The well-known actor Sophan Sophian, who was elected for PDI-P, resigned in 2002 and said he tendered his resignation due to his disillusionment with fellow legislators who were more interested in fighting for their own short-term political interests than for the welfare of the people.[29]

The cohesion of the parties is relatively strong. Independent candidates who do not run on a party list are not allowed to participate in the elections. This rule and the proportional election system explain why political parties play such a dominant role in the political system of Indonesia.

In Indonesia, the structure of the political parties founded in the reform era is weak and not transparent. The internal order from the centre to the regions is not well organized. Party structures down to the local level usually do not exist. Therefore, the parties tend to have an elitist internal decision-making process. Every decision, or at least the last word on every decision is made by the Central Leadership Board (*Dewan Pimpinan Pusat*). Because of the importance of this body, which is located in the capital Jakarta, all political parties are also centralist. Even worse, many decisions are not discussed among the party leaders but decided by the chairman himself. All political parties rely on more or less charismatic leaders who have the position of party chairman (*ketua umum*). The discipline within a political party does not derive from its organizational structure but from

the authority and the directives of the party's leader. As a result, parties and their policies are very often identified with their leaders. With some exaggeration, PDI-P closely resembled Megawati and company, PKB was Abdurrahman Wahid plus fellowship, and Golkar was Akbar Tandjung and supporters until the year 2004.

A positive personal connection to the party leader is a prerequisite for a party function. A person getting into trouble with the party leader will be replaced by a more loyal person. An example took place in August 2003, when the party's executive board, led by Megawati, decided to replace the chairman of the party's faction in parliament, Roy B. B. Janis, with Tjahyo Kumolo. Roy opposed the party's decision not to oust Akbar Tandjung as DPR chairman and supported the investigation into the controversial purchase of Russian fighter aircraft.[30]

The power of the party leader(ship) becomes even greater in connection with the Election Law and the Law on Political Parties. A proportional election system with closed lists whose order is determined by the party's leadership makes it easy for leaders to promote loyal party members and to punish critical ones. With a closed list, the number of elected parliamentarians is decided by the voters, but the individual candidates are determined solely by the party's leadership. Legislator Arif Mudatsir (PPP) stated that the proportional system, in which voters choose a party symbol, has alienated politicians from the people they represent.[31] The deputy chairman of the PPP faction, Chozin Chumaidy, and fellow legislator J. E. Sahetapy (PDI-P) said the severe lack of communication between legislators and their constituents was a direct result of the country's proportional electoral system.[32] Ferry Mursyidan Baldan (Golkar) acknowledged that there was a lack of communication between legislators and constituents, but disagreed that the situation was the result of the proportional electoral system, but cited the lack of responsibility on the part of legislators.[33] A survey conducted by the International Foundation for Election Systems (IFES) showed the majority of Indonesians could not identify their representatives in the legislature. Of the 3,580 people surveyed nationwide, only four per cent were able to name their representatives in the legislative body.[34]

In a poll conducted by the research department of the *Kompas* daily in 2002, Indonesians were asked what they regarded as the primary interests of their legislators. The results are presented in Table 5.4.

In Table 5.4, it is quite obvious that people think that legislators care more about their then party and their personal (material) interests the people they represent. Even if one doubts the statistical methods of these findings, a clear trend is visible. The Indonesian parliament does not have a high

**TABLE 5.4**
**Indonesians' Estimation of the Legislators' Primary Interests**

| | *August 2000* | *October 2001* | *January 2002* | *March 2002* | *May 2002* |
|---|---|---|---|---|---|
| Party Interests | 70.8 | 55.1 | 42.5 | 60.0 | 61.6 |
| Private Interests | – | 27.9 | 43.8 | 31.6 | 24.5 |
| People's Interests | 22.2 | 11.7 | 6.4 | 4.6 | 11.0 |
| Don't know | 7.0 | 5.3 | 7.3 | 4.0 | 2.9 |

*Source: Kompas*, 10 June 2002, quoted in Romli (2003, p. 143).

reputation among the population since most people regard the DPR members as mainly concerned with their respective party's or even their own interest and not in the people's interest. A statement of a common Indonesian quoted in an article authored by Donald K. Emmerson is typical for a widespread attitude toward the members of DPR: "All our legislators know how to do is fight over their perks — houses, subsidies, cash. Instead of working for the nation, they feed off the government. That's the real situation here in Indonesia" (Emmerson 2004, p. 95).

Another critical point which strengthens the power of party leaders was the new Law on Political Parties (Law no. 31/2002 *tentang partai politik*) passed in November 2002. In Article 12 of this law, elected members of parliament can lose their seats if their respective party dismisses them. So again, it is not the voter or the population who decide on how long someone shall represent them, but rather the party leadership. A political party's right of recall, or power to replace legislators, was scrapped at the dawn of the pro-democracy reform movement in 1999 as the DPR considered the mechanism a means to silence any expression of opposition. The argument to omit this passage in Law no. 2/1999 was that legislators were elected by the people, and it was the constituents who had the right to dismiss their representatives from the legislative body not the party leaders or the president. Due to various complaints from political parties, about lack of a legal mechanism to discipline defiant members, the right of recall was reinstated into the Political Party Law. Endorsed in November 2002, the law stipulated that a political party had the right to dismiss its legislators from any legislative body in the country.

This truly authoritarian mechanism heavily undermined the functioning of parliament after 2002, because any legislator who dared to speak up risked being recalled. When political parties are allowed to expel non-conformist legislators from parliament, likely quelling opposition voices, an essential ingredient in a healthy democracy is no longer present. In a properly

functioning representative democracy there should be no regulation allowing for the dismissal of representatives by their own parties. Such a step could only be justified when an independent judicial court convicts a legislator for criminal actions.

The recall rule again underlines the power of the party leadership as they now not only decide who will be elected but also control them tightly. The replacement by the party leadership of a representative elected by the people is a fundamental violation of the principles of representation.

Retired Brigadier General Sembiring Meliala from PDI-P justified the new regulation reasoning that parties have the right to replace their MPs. Although he admitted that this measure looked like a revival of the recall system of the *Orde Baru*, he insisted that parties must have this right. He asked: "If somebody quits the party and is still in parliament, as happened, whom does he represent? He was elected for parliament for his party and when he leaves the party he has also to leave the DPR. Parties must also stop criminal and lazy legislators. Therefore we need this sanction mechanism. Of course, I see the dangers of this regulation, but the advantages are overwhelming."[35]

Aberson Marle Sihaloho, MP from PDI-P, reported that in 2002 Party Chairwoman Megawati Soekarnoputri ordered all PDI-P faction members to sign an agreement that they represent only the party. He went on to say that he refused to sign this document, because every legislator should represent the people and not the party. He argued that in his position as a senior MP, he feared no sanctions. The practice of recalling legislators could only happen when the parliamentarian was selected by the party and not elected by the people.[36]

Aberson Marle Sihaloho argued that, according to the 1945 Constitution, there must be a direct election of the members of MPR. He said that the word "democracy" is not found anywhere in the original 1945 Constitution, but the words "people's sovereignty" (*kedaulatan rakyat*) are mentioned very often. He cited Article 1 (2) of the constitution, which states that the MPR fully represents the people's sovereignty and is the highest state institution (*kedaulatan negara*). But when the members of the MPR are not directly elected by the people, it has no right to govern the country. According to Aberson, this is a fundamental contradiction and thus Indonesia never had a political system according to the Constitution of 1945. The newly introduced Article 22 (E.3) (after the fourth amendment) is highly dubious, since it says that the only participants in the election of the DPR are political parties. According to him, this contradicts Article 1 (2) on the representation of the people.[37]

A good example of a representative chosen primarily by a party and not the voters is Achmad Farial (PPP), who told the author in his interview on 26 November 2002 that he got only 1.8 per cent of the votes in his constituency in Bengkulu (West Sumatra) but became member of DPR because of his high position on the party list.[38] The proportional election system with party leaderships having the right to configure the party lists sustains the centralist culture of Indonesian politics. Critics say that parties rather than the voters have elected the country's people's representation.[39] Exchanging of elected members by political parties is another distortion of the voter's decision.

"Turncoatism", the switching of political parties is — compared to other Southeast Asian countries such as the Philippines or formerly in Thailand — rare in Indonesia, even though the law does not prohibit it. One reason for this is that the differences between the Indonesian parties along the cleavages (among them most prominently the secular-religious cleavage) work against indiscriminately changing party affiliation. Splits within parliamentary factions, however, were a common feature after 1999. The PPP faction split when a group under Zainuddin Muhammad Zein formed a new party called PPP-Reformasi. The PKB was also divided into two groups, one led by then Defence Minister Matori Abdul Djalil, the other by former Foreign Minister Alwi Shihab, who both claimed to represent the whole party.

Rifts were also visible in most other major parliamentary party groups where several members resigned from parliament and founded new parties. As may be expected, such party splits have also affected parliamentary voting behaviour, as renegade factions refused to follow the party line. In general, however, this did not have a major impact on parliamentary majorities.

Several PDI Perjuangan members have quit the party and established their own party following internal frictions with party leadership. Eros Djarot, a former close friend of Megawati within PDI Perjuangan, established the Bung Karno Nationalist Party (PNBK) while Dimyati Hartono set up the Indonesia Our Fatherland Party (PITA).

Despite their elevated position, committees in the DPR are haunted by poor attendance of MPs, underscoring the lacklustre attitude of many legislators toward detailed and technical committee work. According to a study of *Forum Komunikasi Massa*, more than fifty legislators did not show up in at least thirty per cent of the sessions in the first half of the year 2001.[40]

Plenary sessions of the DPR are also plagued by poor attendance, a phenomenon which incidentally can also be observed in well-established Western democracies. At a plenary session on 11 June 2002, for example, only 122 of the 500 legislators in the DPR were present when parliament was about to approve the nominations of two new Bank Indonesia deputy

governors. Later, their numbers went down to just eighty-seven when the meeting endorsed a proposal on the establishment of four regencies in North Maluku province. Before, 251 legislators had signed the attendance list, prompting the DPR Vice-Chairman Soetardjo Soerjogoeritno (PDI-P) to open the plenary meeting.[41] It is a common habit among legislators to sign the attendance list and leave for their personal business.

Even in the steering Committee of the DPR (*Bamus*), the members' frequent absenteeism delayed many coordinating decisions. In June 2004, DPR Vice-Chairman Tosari Widjaja (PPP) expressed concern about the poor attendance, saying it was the sixteenth *Bamus* meeting in the last five years that the DPR leadership had cancelled due to inadequate numbers of MPs present.[42]

As a result, DPR Vice-Chairman Tosari Widjaja threw his support behind moves to introduce stern measures against legislators who did not fulfil their duties accordingly, and called on political parties to replace those legislators who failed to perform. Other analysts demanded that the DPR introduce salary cuts and dismissals in its internal regulations as punishments for poor performance.[43]

The frequent absenteeism of legislators also gives reason to doubt the legitimacy of laws passed. As will be mentioned later in this chapter, the case of the approval of the Government Regulation in Lieu of a Law no. 1/2004, majorities in votes can become accidentally dependent on which legislators happen to be at the session.

Proper parliamentary decorum is not always maintained. During televised committee sessions legislators can often be seen sleeping, reading newspapers, exchanging cell phone messages or chatting with each other. While routine parliamentary meetings often have a laid-back appearance, some issues cause a heated atmosphere. During the opening of the annual session of the MPR in 2001, members of the social groups' faction who were angered by their pending removal from the assembly rushed to the chairmen's podium and initiated a fist fight involving about a dozen legislators.

Another violent incident happened in July 2003 when Legislator Djamal Doa (PPP) punched State Minister of Cooperatives and Small and Medium Enterprises Alimarwan Hanan (PPP) in the stomach for allegedly blocking the legislator's bid for a post on the central executive board of the PPP.[44] Party executive Sofyan Usman, who was standing beside Alimarwan Hanan, came to the minister's rescue, pushing Djamal Doa to the ground, causing the legislator's eyeglasses to fall to the ground and break.

Later, Djamal Doa explained that he had been nominated for the position but Alimarwan rejected the decision without giving a clear reason. He claimed

that his demand was rejected because he was branded as a supporter of Bachtiar Chamsjah, a political rival of Hamzah Haz.[45] This event shows not only the immaturity of some legislators, but also the importance of being on the right side of patronage networks in party politics.

Despite occasional outbursts, the proceedings and the debate style in the DPR, however, are less spectacular than legislatures in other countries, and even somewhat dull. The plenary and committee sessions usually follow strongly ritualized rules, leaving little space for spontaneity and unexpected actions. Speeches are — with very few exceptions — all read from a paper and mostly contain well-balanced phrases. Mostly speakers do not respond to previous speakers, but read out their statement which they formulated before the session. Now and then a legislator interrupts the speaker and voices a statement that had not been foreseen in the session's agenda. These *interrupsi* make the parliamentary sessions more colourful, but are not well accepted by most fellow parliamentarians and the public.

In discussions in committee sessions, there is often no clear target-oriented debate. Legislator Mochtar Buchori (PDI-P) wrote that MPs "frequently make comments that do not always relate to the core issue being discussed. Too often, I feel that many of us talk just for the sake of it, not for the sake of clarifying matters. Sometimes some of us start to talk before having an idea what he or she is going to talk about."[46] He additionally complained that he had often found legislators spending excessive amounts of time discussing unsubstantial issues in DPR sessions, adding that they could waste days simply debating their "choice of idioms". As an example, he brought up a session discussing the national education system, during which legislators had heatedly debated over which terms to choose between *budi luhur* or *akhlak mulia*, both of which mean noble character. Finally, they decided to use both terms.[47]

Buchori further elaborated that "beautiful and fascinating speeches, debates and discussions have been a rarity. … More often than not, they are a show of political strength — an exhibition of political shrewdness rather than wisdom — and a demonstration of group solidarity."[48] This clearly illustrates that the legislators had to bow to strict party orders, a typical phenomenon of a parliamentary system of government.

## Veto Forces in Parliament: The Military and Police Representatives

After the free elections of 1999, thirty-eight non-elected members from the military and police were still in parliament and formed their own faction. The

role of the TNI and police faction is, according to a euphemistic description, to ensure that military and security aspects of proposed legislation are considered (Rabasa and Haseman 2002, p. 48).

This poses a great problem for the consolidation of democracy. Veto forces, which have the power to block decisions that are against their fundamental interests, should no longer be present in a representative body in a liberal democratic system. Another problem is the status of members of the military as subordinates to the chief of the armed forces in the military hierarchy, the president. In exercising this role, the president has the right to instruct the military members how to vote and — at least in theory — they cannot refuse. However, the TNI/PolRI members voted against President Wahid, their supreme commander, when the impeachment took place.

President Wahid made some efforts and interventions to curb the political influence of the military. Among other measures, he was responsible for the:

- splitting of ABRI into two parts, military and police;
- dismissal of General Wiranto, then TNI Commander-in-Chief for his involvement in human rights offences in East Timor;
- promotion of the outspoken Agus Wirahadikusumah as Kostrad Commander (*Pangkostrad*), who tried to reform this important military organization (Honna 2003, p. 183).

A critical point for democratization was the direct involvement of the TNI/PolRI faction in the dismissal of President Wahid when they voted in the DPR and the MPR for the different steps in the impeachment process. The faction joined the bandwagon of the MPR in dismissing him from presidential office (Honna 2003, p. 193). This clearly shows that the so-called political neutrality of the police and military faction, which supporters of their presence in parliament often claimed, did not exist. The dilemma of how to deal with the military — which occurred in Indonesia after the regime change — is typical in the transition from an authoritarian order to democracy. Pushing the military out of politics altogether could eventually lead to a military backlash that could endanger the whole fragile democratization process.

Another factor in maintaining the military presence in the DPR was the ongoing social and economic crisis which led to many outbreaks of violence, separatism, and even a kind of anarchy. For most Indonesian politicians, immediate worries about national stability and public safety took precedence over the broader, theoretical and conceptual debate about the military's seats in parliament or in Indonesian politics in general (Schwarz 1999, p. 406ff.).

In all sessions until 2002, the MPR missed the crucial opportunity to strip the military of its seats and "failed to support the achievement of this important milestone in the consolidation of civilian supremacy over the armed forces" (IDEA 2000, p. 92). In August 2000, an MPR decree even extended military representation in the MPR until 2009. Proposals made during the MPR deliberations in 2000 to explicitly define the armed forces' and police's role in the constitution were blocked (Stockmann 2004, p. 174).

Finally, in the fourth amendment to the Constitution in August 2002, the military presence in the DPR and MPR was ended with the elections to be held in 2004. By changing Article 2 (1) of the 1945 Constitution, the amendment transformed the MPR into an institution entirely composed of elected representatives. The consequence of this revision was that from the 2004 parliamentary elections onward, the military was not represented in the DPR nor the MPR. With these decisions, the real power of the Indonesian military on political processes has not been fundamentally reduced, but the symbolic meaning cannot be underestimated.

According to Muhaimin Iskandar, vice-chairman of the DPR from PKB, the military faction was an important force in parliament. He argued that if the TNI/PolRI faction had not supported the ouster of Abdurrahman Wahid, the other factions would not have dared to do so. In the daily work of parliament, however, Muhaimin conceded their influence was not so great.[49]

Other members of parliament had different opinions. Legislator Jakob Tobing said that he considered the TNI/PolRI faction reform-oriented. They were active in the amendment process of the constitution and they agreed on all decisions. The TNI/PolRI faction members in the MPR made no effort to fight against the abolition of the TNI seats in the DPR and MPR. According to Jakob Tobing, not everyone in the armed forces was pro-*reformasi*, but the TNI/PolRI faction represented in the DPR certainly was. The active generals were for reforms, while some retired generals were against it.[50]

PDI-P legislator and retired Brigadier General Meliala Sembiring defended the military representation in parliament: "Of course, the armed forces are still powerful, but under control of the president. The only group that people really trust is the military. All their leaders have a good education and a professional background. The armed forces are very well integrated in the Indonesian family. And as usual in every family, all members shall have the chance to have a say."[51] In the PDI-P faction, there were two opinions on the matter of the armed forces in the DPR. Aberson Marle Sihaloho, like Meliala Sembiring, a legislator from PDI-P, argued that TNI and PolRI should have no place in parliament, because they are not a social group (*golongan*), but rather public servants.[52]

The parliamentary faction of the military is certainly not the most influential part of the Indonesian military. The military is much more powerful through the occupation of cabinet posts as well as a huge number of provincial and district leadership positions. The territory-based organizational system permitted the presence and the influence of the military in virtually every corner of the archipelago.

In 2004, a draft Military Bill proposed by the Megawati government caused controversy within the DPR. Regulations for the Indonesian military (TNI) were in fact urgent, not only in the context of democratic consolidation, but also for the professionalism of the TNI itself. The three crucial and intensively debated issues were: the redefinition of the TNI's territorial and administrative role; the military budget, and permission for taking preemptive measures.

The government had — strongly influenced by high-ranking military leaders — sought to reintroduce the military's so-called territorial role, which during Suharto's authoritarian rule was abused to coerce the people into supporting the government. In the face of strong public and parliamentary opposition, the government withdrew the proposal. The DPR members, however, agreed to modify the military's "territorial role" into something aimed at boosting national defence capability.[53]

The government additionally had proposed that active military officers be allowed to occupy civilian posts in the bureaucracy, but the parliament had vehemently rejected this idea. Finally, both the DPR and the government agreed that active military officers may only fill civilian posts that require military expertise. Political analysts such as Kusnanto Anggoro (CSIS) voiced their concern over the lack of reform and argued that the law will result in the TNI never evolving to become a modern and reliable force because the organization of the TNI will remain independent from public control. He further feared an emerging tendency of the militarization of civilian institutions. The increasing authority of military leadership combined with a greater significance of military network could possibly lead to misuse of power through new alliances between regional commanders and local politicians.[54]

Another controversial issue dealt with preemptive actions by the military in the context of terrorism and separatism. During the deliberations, the Megawati government demanded that the Indonesian military be granted the power to take preemptive measures against groups suspected of threatening national unity before they were capable of launching an armed rebellion. Major factions in the DPR, however, rejected the proposal, saying the power could be abused as had happened in the past. According to the Bill, the TNI's main tasks include deterring and cracking down on any threats to national

unity and restoring security and order. The Bill did not specify the threats, prompting questions from the DPR factions. They urged the government to specifically refer to armed movements.[55] In the law, this demand of the DPR was included. Parliament endorsed the controversial Armed Forces Bill on the last day of its term — with only hours remaining in their mandate — on 30 September 2004.

On the same day, which also marked the last day of the military/police presence in the DPR, Golkar Secretary-General retired Lieutenant General Budi Harsono, a former chairman of the DPR military/police faction, said that this day would be an historical day, not only for the TNI, but also for the nation's democracy. According to him, the TNI's exit from parliament will also mean its exit from politics.[56]

This euphemistic statement is misleading. The military will continue to carry political weight in the near future in Indonesia, even if they are now outside the legislative body. The preservation of the Indonesian military's territorial role, which can be considered as being the heart and soul of the TNI's political influence in the country,[57] will keep the military's influence present in all parts of Indonesia.

## Public Opinion

The legitimacy of the Indonesian parliament has completely changed in the transition process. While in the *Orde Baru* parliamentarians were hand-picked by President Suharto and were generally not accepted as the people's representatives, the parliament between 1999 and 2004 had the legitimacy of being elected in free, fair, and competitive elections. After the elections in 1999, Indonesia "had a genuinely legitimate parliament, a parliament that really mattered" (Bourchier 2000, p. 15). After the downfall of Suharto and the end of the authoritarian *Orde Baru*, expectations were high for the performance of parliament. It was therefore "close to inevitable that a degree of disillusionment would set in about what the parliament in the era of *reformasi* was able to achieve" (Sherlock 2003, p. 18).

The legitimacy of any parliament depends also on a positive public opinion. To build up such support, people should first be aware of the parliament's main functions. A survey conducted by the Asia Foundation in 2003 among Indonesians, however, revealed large deficits. Table 5.5 shows responses to the question of what the functions of the DPR are.

The majority of Indonesians are only aware of one role for the DPR and its members, namely the control of the president (fifty-seven per cent). The oversight function of the DPR has received the most public interest in the

**TABLE 5.5**
**Perceived Functions of the DPR According to Respondents to a Poll by the Asia Foundation**

| | |
|---|---|
| Control the President | 57 |
| Represent their Voters | 20 |
| Elect the President | 12 |
| Help people solve their problems | 9 |
| Make/change laws | 8 |
| Other | 7 |

Figures in per cent.
*Source:* Asia Foundation 2003, p. 95.

recent years due to extensive media coverage. Only very few (twenty per cent) understand the principle of people's representation by their elected representatives. This is an alarming result and shows the great alienation between the ordinary Indonesians and the DPR members.

Very few, a mere eight per cent, noted that the legislature's powers include making or changing laws. Here, the more technical nature of the legislative processes was possibly responsible for the media's and public's lack of interest.

More people (twelve per cent) said that the DPR's role is to elect the president. This answer is not completely right, as it is one of the MPR's major tasks, but, as explained earlier, DPR members also participate in the MPR. Electing the president, of course, was the function that has received the most public attention since the end of the *Orde Baru*, with the selection of President Abdurrahman Wahid, his subsequent removal from office and replacement by Megawati Soekarnoputri in 2001.

The authors from the Asia Foundation concluded that the public's stunted concept of the DPR's role:

> … probably reflects both the legacy of the New Order regime, when it was largely a rubber stamp for the executive, as well as its failure to make a mark in public consciousness since then, beyond picking or clashing with presidents. This means that most Indonesians are largely ignorant of the normal representative functions of a legislature, as well as the sorts of demands citizens can make on their representatives. These include representing their views, passing and amending legislation and budgets, and delivering development resources and other patronage. In other words, not only during elections, but also in the ordinary functioning of the legislature, few Indonesian citizens are aware of the claims they can make upon the country's political leaders (Asia Foundation 2003, p. 96).

The disconnection between elected representatives and ordinary Indonesians gives the latter a sense of powerlessness and explains the generally low level of expectations of politics among the general public.

Public opinion of the DPR has fallen dramatically after the inauguration. While the expectations and the attitude towards the newly elected parliament were generally positive in the first year, surveys from the years 2000 and 2001 showed a growing discontent with the work and results of the parliamentarians. The *Kompas* research department found that in February 2002, 69.6 per cent of the respondents rated the image of the DPR as bad and only 16.4 per cent as good. One year earlier, it was 59.6 per cent and 30.0 per cent, respectively (Fatchiati 2002, p. 202). Asked more specifically, the respondents could rate the performance of the DPR in several of its functions. Public satisfaction with law-making went down from 54.4 per cent in 2000 to 28.6 per cent in 2001 and reached a poor 16.6 per cent in 2002. Satisfaction with the DPR's efforts in controlling the government dropped from 54.4 per cent in 2000 to 28.6 per cent in 2001 and to 16.6 per cent in 2002. The respondents were even more skeptic on the question of whether the DPR voices the aspirations of the people. Here the percentages were relatively stable, ranging from 28.1 per cent in 2000, 28.6 per cent in 2001, and 23.3 per cent in 2002 (Fatchiati 2002, p. 202).

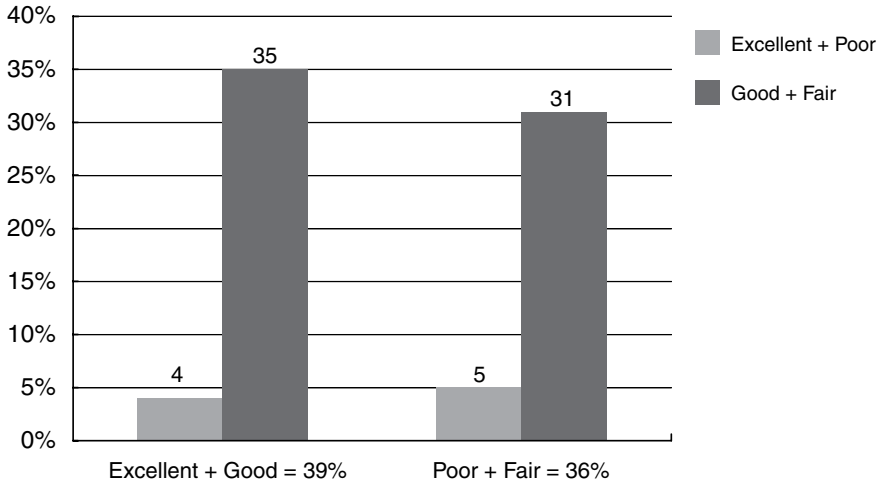
For the year 2003, the Asia Foundation conducted a survey based on a representative national sample of 1,056 in-person interviews. Among many questions the researchers asked people about their satisfaction with DPR job performance. Figure 5.1 shows the results of this survey.

Compared to the results of the previously quoted *Kompas* survey, the outcome of the polls by the Asia Foundation was more positive for the DPR. While 39 per cent of the people asked were satisfied with the national parliament, rating its job performance as excellent or good, almost as many (36 per cent) were dissatisfied, rating it fair or poor. Twenty-five per cent of the voters were unsure about the legislative body's performance.

The research further revealed that the strongest supporters of the DPR were young voters (48 per cent good or excellent), especially younger women (45 per cent) and rural voters (45 per cent). Voters with a secondary education (48 per cent fair or poor) and younger men (44 per cent), religious men (43 per cent) and urban men (52 per cent) are the most dissatisfied. Higher-income voters, spending more than 700,000 rupiah (about 70 euro) monthly, also tend to judge the DPR more harshly than lower-income voters (Asia Foundation 2003, p. 48).

According to Muhaimin Iskandar, vice-chairman of the DPR, the reasons for the bad reputation of the DPR are the following: low quality of work in

**FIGURE 5.1**
**Indonesians' Satisfaction with Parliament's Performance**




*Source:* Asia Foundation 2003, p. 47.

the committees; low moral values of the MPs; low attendance of MPs in sessions; the limited budget of the DPR; and corruption, especially in some lucrative committees dealing with enterprises and finance (*komisi basah*).[58] DPR Chairman Akbar Tandjung did not show much understanding for public dissatisfaction with the DPR: "I don't know why the parliament has such a bad reputation among the people. Parliament is now important and everyone can write a letter or go there to voice his aspirations." He further declared that public trust in the DPR had been on the rise, as shown by the number of people who came to the legislators to seek help with their problems.[59] His statement has to be seen as a euphemism, however. According to data presented by the DPR General Secretariat, between October 2003 and September 2004 only 2,088 requests were addressed to the Indonesian parliament and forty delegations were received.[60] Taking Indonesia's population of over 200 million into account, the number of direct and indirect requests by citizens is still rather low and indicates an unsufficient connection between citizens and the parliament.

Legislator Sembiring Meliala denied that the image of parliament is generally bad. According to him, only middle class people in the cities are disappointed because "they know everything better and everything should go

in the direction they want. In the villages people are not critical toward the DPR."[61] This statement, which corresponds to some extent to the survey of the Asia Foundation shows that better educated urban people who generally care more for political developments tend to be rather critical of the DPR's performance. While political consciousness generally is less developed in rural Indonesia, less educated people and those living in remote areas have more trust in the DPR.

The attention of Indonesian mass media towards parliament and the current debates is high. Thus anyone interested can read, hear, and see current political activities in parliament at great length. The contribution of the media coverage for the political education of the general public is quite disappointing, though. This often has to do with the narrow-minded argumentation of many parliamentarians, who are often oriented towards party and self-interests. In addition, many MPs set poor example for a good form of democracy due to their involvement in corrupt practices.

A deep disillusionment with the elected parliament erased initial euphoria. In the transition literature, however, this attitude is quite normal, especially if the new democratic order cannot achieve economic successes in a short time. Huntington put it in the following words: "The failure of new democratic governments to resolve the problems endemic to society generated indifference, frustration and disillusionment" (Huntington 1991, p. 225). However, he stated that these negative perceptions are a necessary pre-condition for a long-term consolidation: "Disillusionment and the lowered expectations it produces are the foundation of democratic stability. Democracies become consolidated when people learn that democracy is a solution to the problem of tyranny, but not necessarily to anything else" (Huntington 1991, p. 262ff.).

As long as the new democratic order is not able to cope with the economic problems and widespread corruption in politics, the nostalgia for the old authoritarian order increases. In a survey conducted by Charney Research of New York and ACNielsen Indonesia and commissioned by the United States-based Asia Foundation, 53 per cent of the respondents preferred a strong leader like the former authoritarian ruler Suharto, even if rights and freedom were reduced, while only 29 per cent opposed such a return to authoritarianism (Asia Foundation 2003, p. 120).

Legislator Mochtar Buchori (PDI-P) warned in May 2002 that antipathy toward political parties was growing rapidly, which would lead to a serious endangerment of the whole democratization process. He admitted that many people loathed legislators, because they completely ignored public interests and aspirations, and instead at times behaved like adversaries of the people. Buchori pointed out that a great number of new legislators had

become instantly rich, while ordinary people were suffering from the ongoing economic crisis.[62]

Part of the increasingly negative image of parliaments stems from the cultural dispositions of people in most Southeast Asian societies, which tend to avoid direct conflict. As legislatures "institutionalize conflict" (Olson 1994*b*, p. 7), they appear to the ordinary person as overly divisive and run by people violating traditional codes of proper conduct. Harsh debates, direct confrontation and procedural tricks are considered rude behaviour (*kasar*) in Indonesia (Hara 2001, pp. 315–17). Therefore, the wish for unanimity and harmonious deliberations, which can also be heard quite often among average people in Western democracies, is unrealistic when vested interests are at stake. The less power the more harmony in a political institution. If the Indonesian parliament is to have power, such a confrontional style is an almost unavoidable side effect.

## THE STRUGGLE FOR POWER BALANCE: THE OVERSIGHT FUNCTION

### Presidential or Parliamentary Government System?

For assessing the fulfilment of the oversight function of the Indonesian DPR, it is important to examine whether parliament acts within a parliamentary or presidential government system. In a classical parliamentary government system, only one election exists — for parliament. A parliamentary majority elects and supports the leader of the government, generally called the prime minister. Parliament has the right to dismiss the government's chief with a vote of no confidence. In such systems, presidents have more or less a symbolic role as head of the state. The oversight function of a parliament is divided into a parliamentary majority that supports the government, and a parliamentary opposition, whose main task is to control government's actions. In a classical presidential system, both president and parliament are directly elected. A clear division of power is the result. In presidential systems, parliament as a whole has to fulfil its oversight function through a system of checks and balances.

Until 2004, the system of government of Indonesia was defined by the Constitution of 1945, which does not clearly state whether Indonesia is to have a presidential or a parliamentary government system. According to senior legislator Jakob Tobing, it can be described as quite chaotic and not a presidential system, but more a "*gado-gado*-system",[63] or a bad version of a parliamentary government system.[64]

The system of government between 1999 and 2004 comprised several elements of a parliamentary government system. As previously explained, in a pure parliamentary government system, in which the election and dismissal of the government is controlled by parliamentary party groups, the parties have much more dominance over their parliament's members. As in a typical parliamentary government system, there were strong political parties in the DPR. Their power stemmed from the proportional election system with closed lists which gave parties the right to select their members.

On the other hand — as in a typical presidential government system — most factions behaved as opposition parties, criticizing the government despite one of their members being in the president's cabinet. In the case of President Wahid, several of his appointed cabinet members were responsible for his downfall.

Generally, as explained earlier, it is more difficult for legislatures in presidential government systems to exert influence on the government since the president possesses his own base of legitimacy as a result of his direct election. As the Indonesian president was not directly elected by the people, but by the MPR members, his legitimacy derived only indirectly. Therefore it was not difficult for the legislators to pressure the president.

The MPR eventually passed a comprehensive system of checks and balances within a presidential government system in August 2002, which only became effective in 2004. Jakob Tobing hoped that with the third and fourth constitutional amendments there would be clear division between parties that support the president and those who oppose him or her. With the ratification of the constitutional amendments, he was optimistic that Indonesia had created a clear presidential system.[65] Political analysts described the mentioned changes as a constitutional breakthrough (Ufen 2002b, p. 468). Within the time frame of this study, however, the old and "confusing" system of government remained the constitutional set-up.

## DPR's Relationship with the Government and the President

After the 1999 general election, the most distinctive function of the Indonesian parliament was the oversight function. After having been powerless for nearly forty years, parliament used its right to control the executive power extensively.

Legislator Achmad Farial stated that "the president has a lot of power, and it is our job to limit it."[66] DPR Vice-Chairman Muhaimin Iskandar said that "parliament has to be opposed to government, otherwise democracy will lose. It has to tightly control (*mengawasi secara ketat*) the government and has

the role to act, together with the media, as a pressure group toward government."

With the Second Amendment to the 1945 Constitution by the MPR in August 2000, Articles 20a (2) and 20a (3) explicitly gave parliament a supervisory function. This was stated in Article 20a (2): "In carrying out its functions, besides the rights regulated in other articles of this Constitution, the House of Representatives shall also have the rights of interpellation, inquiry and statement of views." Article 20a (3) stated, "Besides the rights stipulated in other articles of this Constitution, all members of the House of Representatives shall have the rights of posing questions, recommending proposals and opinions, as well as immunity."

An example of the new relationship between parliament and president was the debate on referenda for provinces wishing to split from Indonesia. In early 1999 when President Habibie offered the referendum for East Timor, neither the DPR nor the MPR were asked or had a choice to intervene. When President Wahid made some remarks on a possible referendum in Aceh in November 1999, the new chairmen of DPR and MPR, Akbar Tandjung and Amien Rais protested, arguing that "the president could not decide on such a vital matter without involving parliament and the People's Congress" (van Dijk 2001, p. 473). On 17 November, the leaders of all factions in parliament spoke out against the suggestion of President Wahid.

The relationship between Wahid and the DPR had a rocky start and continued along a bumpy path. When parliament criticized Wahid's decision to abolish the Ministry of Social Affairs and the Ministry of Information shortly after his election, President Wahid upset the members of parliament by accusing them of being swayed by their emotions instead of using their brains when criticizing his policy. On 18 November 1999, rebuking parliamentarians for missing the substance of his argument and for relying on emotions, he even called the DPR a kindergarten.[67]

Wahid's statement drew sharp protests from many legislators, but DPR Chairman Akbar Tandjung calmed the floor and said that the president should be allowed to explain himself. The strongest objection came from Priyo Budi Santoso (Golkar), who insisted that the president should clarify his remarks immediately. "We don't want to see a new form of authoritarian cloaked in democracy emerging," he said. Wahid only waved a dismissive hand when Akbar gave him a chance to respond to the criticisms at the end of the session.[68]

Because Wahid's coalition incorporated a great number of political parties represented in the DPR, he had to form a compromise cabinet. His policy was therefore always a balancing act, trying to accommodate all the major political players.

President Wahid, dissatisfied with his ministers from other parties, "was scheming to use accusations of KKN [corruption charges, P.Z.] as a pretext to get rid of a number of cabinet ministers whom he had been forced to take on board in the wake of the negotiations in October [1999] about the composition of his cabinet" (van Dijk 2001, p. 496).

Parliament became more and more critical toward President Wahid. After the sacking of their ministers Laksamana Sukardi (PDI-P) and Yusuf Kalla (Golkar) in April 2000 for alleged corruption, the two major parties in the DPR and the MPR withdrew their support for Wahid and turned to opposition parties. The leadership of these parties felt that "Gus Dur was not holding on to the elitist pact that brought him to power in late 1999. Soon enough, he instead prevented them from getting their 'rightful' share of the cake" (Törnquist 2002, p. 551).

Parliament used its right of interpellation to question President Wahid on the dismissal of the ministers Laksamana Sukardi and Yusuf Kalla. President Wahid came to parliament on 20 July 2000, but refused to explain why he had taken this step. He asserted that the appointment and dismissal of his ministers was a presidential prerogative and that he had to answer to no one for replacing ministers. Wahid did not deliver his statements himself, but let a middle-ranking administrative official read it aloud. Vice-President Megawati Soekarnoputri earlier refused to read Wahid's statement (Ufen 2002*a*, p. 544), being opposed to the president's actions.

During the first annual session of the MPR in August 2000, President Wahid had, in his first ten months in office, already lost much of the support he had received from politicians of PAN, Golkar, and PPP when he was elected president. The accountability speech of the president — Wahid himself called it a "progress report" — did not decrease the opposition of the major political parties. Their chairmen urged Wahid to delegate government tasks to Vice-President Megawati Soekarnoputri, while others asked him more bluntly to resign immediately.

President Wahid was saved from even further criticism and escaped from the threat of an impeachment when he replied that he would transfer the day-to-day running of the government to Megawati Soekarnoputri. Only a few days after the annual session of the MPR, Wahid played down his announcement by saying that he had given Megawati additional tasks, not additional powers (Stockmann 2004, pp. 185–91). In fact, it seemed apparent that Wahid had no intentions at all to relinquish any of his powers to Megawati.

The fact that the Wahid administration lacked support from legislators is quite a common phenomenon of the first years after a regime change. Olson noted for the democratization processes in Central Europe in the early 1990s:

> In the first several years of new democracies, most Central European governments have resembled minority governments of Western Europe. They have not had a firm base of parliamentary support. The rapid changes in parties within parliament have rendered the usual distinction between government and opposition irrelevant (Olson 1994*b*, p. 126).

While in Central Europe the unconsolidated party system was the main reason for the unclear and unstable relationship between president and parliament, the unclear constitutional background was, as explained above, more responsible for the difficult co-operation. As the Indonesian constitution was still in an amendment process during the presidency of Abdurrahman Wahid, the legislative-executive relationships were marked by uncertainty. This parallels also with the developments in the first years after the regime change in Eastern Europe:

> What the new parliaments should do and how they should interact with the president have not been defined either clearly or legally, for the constitution remains to be written in the newly democratized countries of Central Europe (Olson 1994*b*, p. 125ff.).

## Impeachment of President Wahid

As mentioned above, President Wahid was questioned by the DPR about the dismissal of two cabinet ministers in June 2000. He showed up at the parliamentary session but refused to comment on his decision and referred to his constitutional right to do so without further explication to the DPR. Although he was right in legal terms, the DPR members were angered by Wahid's attitude, which they interpreted as presidential arrogance. President Wahid aggravated the situation "by falling asleep during the session, resulting in further attacks by the Members of Parliament" (Suryadinata 2002, p. 176). This shows that Wahid did not take parliament very seriously, much to the chagrin of the legislators.

Some legislators argued that Wahid's appointment policy was not free of corruption, pointing at the appointments of the president's brother Hasyim Wahid as director of the National Bank Restructuring Agency (BPPN) and of his close ally Rozy Munir, a chairman of NU (*Nahdlatul Ulama*),[69] as the new Minister of Capital Investment and Development of State Enterprises. In another case, the DPR used its right of interpellation to question President Wahid on the transfer of 35 billion rupiah (3.5 million euro) from the Welfare Foundation of *Bulog* Employees to Wahid's masseur and spiritual

adviser, Suwondo (dubbed as *Buloggate*) and on the missing money which Wahid had received as a gift from the Sultan of Brunei (dubbed as *Bruneigate*). A special committee (*Pansus Bulog dan Brunei*) was formed at the end of August 2000 with the support of 307 members of parliament. While the TNI/PolRI faction abstained, only three PKB members voted against the creation of the committee.

Initially, President Wahid refused to testify in the Special Committee and argued that it was unconstitutional. He stated that Indonesia has a presidential system of government, in which the president is not accountable to the DPR, but will give his account at the end of his term to the MPR (McIntyre 2005, p. 129). The legislators insisted and referred to Law no. 4/1999, which gave the DPR the right to subpoena every state official but does not explicitly mention the president. However, he eventually agreed to meet the Special Committee on 22 January 2001 at the Jakarta Convention Centre for an — according to his interpretation — informal meeting. President Wahid did not want to show up in parliament because then he would have accepted the legal conformity to question him. During this session, President Wahid told the Committee that "it was illegal, and accused it of being politically motivated to remove him. After making the statement, Wahid refused to answer questions concerning the two scandals and left the meeting abruptly" (Suryadinata 2002, p. 183).

The Special Committee prepared a report, which was accepted by the large majority of MPs during a plenary of the DPR on 1 February 2001. More critical debate was caused by the demand to issue a DPR memorandum threatening an impeachment process. Finally, after hours of negotiations, parliament reached a consensus and issued the following memorandum:

> Parliament hereby decides to issue a memorandum to reprimand Abdurrahman Wahid in that he has indeed violated the state guidelines, namely the 1945 Constitution article on professional oath, and a People's Consultative Assembly decree on good governance (quoted in Suryadinata 2002, p. 184).

On 27 March 2001, President Wahid replied to the memorandum and rejected all accusations. Three days later, a vote in parliament brought a large majority for a second memorandum against Wahid. The legislators of Wahid's party (PKB) walked out before the voting, while the TNI/PolRI faction members abstained.[70] This second censure issued by the DPR gave Wahid two months to respond before the DPR could ask the MPR to initiate an impeachment.

As he failed to respond and the deadline ran out, the DPR voted to hold a MPR special session on 1 August 2001 with the intention of starting an impeachment process against President Wahid. In the debate, the majority of parliamentarians charged Wahid "with corruption and erratic leadership, forcing him to transfer his power to his deputy, Megawati" (Suryadinata 2002, p. 187). Wahid continued to deny all accusations of the DPR and insisted on completing his presidential term, scheduled to end in 2004. He claimed that "there was a political conspiracy to overthrow him" (Suryadinata 2002, p. 187). As a result, he dismissed five of his ministers (Susilo Bambang Yudhoyono, Marzuki Darusman, et al.), whom he believed had supported the opposition against him on 1 June 2001. Only eleven days later, Finance Minister Prijadi Praptosuhardjo was discharged by Wahid.

On 20 May 2001, Wahid fired Police Chief Suroyo Bimantoro, who was supported by the DPR, and appointed Chaeruddin Ismail. According to MPR Decree No. VII/2000, a president needs the permission of the DPR before he may dismiss the national police chief. On the same day, the MPR chairman, Amien Rais, announced that President Wahid had violated the law and constitution again. As a result, he declared, the MPR would call for an extraordinary session as soon as possible. President Wahid was subpoenaed by the DPR to present an accountability report to the MPR.

In this nearly hopeless situation, Wahid declared a state of emergency at 1 a.m. on 23 July 2003. He ordered the suspension of the DPR and the MPR, banned the Golkar party, and instructed military and police to hinder the opening of the MPR special session. The "alarmed leaders of the military hardly known as democratic … took steps to protect the system from its leader. They refused to implement Wahid's decree, thereby forestalling a destabilizing self-coup" (Emmerson 2004, p. 106). Thus the MPR session could start as planned. President Wahid was impeached and the MPR mandate in 1999 to appoint him as the President of the Republic of Indonesia was revoked. According to Article 8 of the 1945 Constitution, Vice-President Megawati Soekarnoputri automatically replaced Wahid and took her presidential oath in the same session. Newly elected President Megawati Soekarnoputri "must have been reminded of the irony of the MPR and DPR's power when she received their overwhelming support …, although just eighteen months earlier many had successfully conspired to sabotage her presidential bid".[71] On 25 May 2001, Hamzah Haz, chairman of PPP and former minister in the Wahid administration, was elected as Vice-President after three rounds of balloting against four other candidates, including two retired generals and DPR Chairman Akbar Tandjung.

Political observers saw the whole impeachment process ambiguously. On one side it was "a sign towards a more democratized system with a stronger checks and balances mechanism" (Kohar 2002, p. 46) when a sitting president is held accountable for corruption. On the other hand, the impeachment process resembled a coup more than a constitutional shift of power. A large majority of the Indonesians — but not all — agreed with the impeachment process. For instance, Indonesian journalist Budiarto Danudjaja, a strong Wahid supporter, strongly criticized the legislators' moves against the president. According to him, the proposals to dismiss Abdurrahman Wahid as president, pretending this would overcome the crisis, were typical for the political elite which was fixed on looking for a scapegoat and short time solutions. According to him, there was no balance between the legislators' hostility towards the government and their own unwillingness and incapability to fulfil their duties and that they looked for the mistakes of others, but did not see their own shortcomings. He wrote that the parliamentarians were not part of the solution for Indonesia's difficulties, but part of the problem (Danudjaja 1999, pp. 117, 122).

In the end, the legislators in the DPR gave up most of the corruption thesis and focused on more general accusations of mismanagement and abuse of power. This shows that the removal of President Wahid, which started as an impeachment for corruption practically turned into a vote of no confidence for political reasons.

## Exaggeration of the Oversight Function?

Former legislator Dimyati Hartono criticized the overstretching of the oversight function. He said that oversight means to watch closely the actions of the executive and to comment on them, but not to take further measures. That should be up to the police, attorneys, and judges, and should not be the task of any parliament.[72] Jakob Tobing echoed similar sentiments when he stressed the supervisory function as the most important task for the DPR. In his opinion, there were too many regulations requiring the agreement of the parliament in government affairs and not every decision of the president needed the approval of parliament. It would smell like corruption if each executive post could be decided by the DPR. For example, each time a new central bank director or a director of a state enterprise is appointed, people would think that MPs were demanding money for the appointment. When parliament deals with public investments or banks, there is also always the danger of corruption.[73]

Particularly in the first half of 2001, the task of parliament was almost exclusively the removal of President Wahid from office. Other duties were more or less completely neglected. In this context, Iris Indira Murti, legislator of *Partai Golkar*, suggested that the supervisory function of the parliament be limited in order to achieve a less strict control of government activities. She said, "in the hearings of the committees there is too much unjustified criticism of the government. A good partnership between these two state institutions would be better for the whole country."[74]

The primary lesson of the Abdurrahman Wahid administration was that any president who is personally or politically incapable of maintaining amicable cooperation with the DPR is a liability for the deepening of the democratization process. After the constitutional amendments, the president no longer has the power to make his own policies, but needs the support of major parts of the political elites represented in the DPR.

The DPR's powers in exercising its oversight function and especially the impeachment of President Wahid had much impact on his successor Megawati Soekarnoputri. She "tended to tip-toe her way around contentious issues, giving her a reputation for inaction on important policy issues" (Sebastian 2004, p. 259). Thus the dependence of the president on the DPR was responsible for the slow pace of political reform.

When Megawati Soekarnoputri first succeeded Abdurrahman Wahid as president in July 2001, "her very inertness was seen as her greatest asset".[75] The relations between parliament and government, full of tension under the presidency of Wahid, relaxed markedly. Megawati was welcomed by many legislators precisely because — unlike her idealistic but confrontational predecessor — she was not trying to change many urgent matters and consequently was not often criticized by the parliament's factions. Therefore the presidency of Megawati stabilized the shaky relationship between the legislative and the executive as well as the democratization process as a whole. Despite often appearing uneasy with the degree of freedom, confrontation and outspokenness in the reform era, she continued to act within the terms of the changed constitutional order (McIntyre 2005, p. 136).

A return to an authoritarian order — as predicted by ex-President Wahid shortly after being ousted[76] — did not take place under her presidency. Megawati's good relations with parts of the military, some slight reductions in civil liberties[77] and no progress in the fight against corruption, however, did not push the reform process to forward very much either. While the democratic consolidation urgently needed further political, judicial and economic reforms and changes, the Megawati government was not able or willing to promote them wholeheartedly and efficiently.

Despite a generally more cooperative atmosphere, some tensions between parliament and the Megawati administration arose between July 2001 and October 2004. In its role of scrutinizing the executive, the DPR used, or threatened to use, its power to summon the president in order to seek explanations. Article 169 of the DPR's standing orders stated that thirteen or more legislators can propose a petition to summon the president over an important and strategic government policy.

In April 2002, the DPR threatened to question President Megawati Soekarnoputri to explain the source of her 30 billion rupiah (3 million euro) grant to the military and the police. The investigation, which the press named *asramagate*, aimed to clarify where the president raised the funds from to renovate houses of lower-ranking officers of the Indonesian Military (TNI) and National Police. The DPR threatened to pursue an investigation into Megawati's decision to grant 30 billion rupiah, taken from the presidential aid funds (*Banpres*), to help renovate dilapidated military barracks throughout Indonesia. In the end, the proposed establishment of an investigative committee was dropped as the legislators turned their attention toward other matters.

A few weeks later, a petition, signed by thirty-one DPR members and filed with the DPR leadership, called for an inquiry into why President Megawati went ahead with her visit to East Timor on 19 and 20 May 2002 on the occasion of the independence day of the former Indonesian province, despite objections from some DPR members. In their petition, the legislators referred — among other points — to Law no. 7/1976, which made East Timor an integral part of Indonesia and which was not annulled until May 2002.[78] Again, the demands for an inquiry did not find a majority within the DPR.

Another case where the DPR threatened President Megawati with a summoning happened half a year later. On 17 December 2002, the International Court of Justice (ICJ) ended a long running territorial dispute between Indonesia and Malaysia over the sovereignty of two tiny islands near Borneo by concluding that both Ligitan and Sipadan island belong to Malaysia. A group of legislators, among them Effendi Choirie (PKB), Amris Hassan (PDI-P), Arief Mudatsir (PPP), and Djoko Susilo (PAN) proposed that the DPR should summon President Megawati over the loss of the islands. They argued that she did not act strongly enough to protect the territorial integrity of Indonesia.[79] However, the proposal was rejected by a majority of DPR members and the summoning did not take place.

In July 2003, alleged irregularities in the purchase of Russian-made *Sukhoi* jet fighters and helicopters by the government — a deal worth about 180 million euros — led the Indonesian parliament to set up an investigation

committee to probe the choice of the jet fighters and weapons' procurement procedures. Effendi Choirie (PKB), deputy chairman of DPR Committee I on political, security and defence affairs, said the inquiry committee was a manifestation of the supervisory role of the DPR.[80]

The purchase of the *Sukhoi* jets was made in April 2003 during a visit by President Megawati Soekarnoputri to Moscow. The expenditure for the military aircrafts was not included in the 2003 defence budget which was approved by the legislators, nor was it inserted in the military's planned budget. Legislators heavily criticized Megawati for failing to consult the DPR before signing the deal. Under the prevailing laws, the Ministry of Defence was in charge of procuring military equipment based upon approval from the DPR. Some legislators questioned the source of the funds to be spent on the Russian warplanes. Choirie, who was also the deputy chairman of the inquiry committee, said that the purchase of the Russian warplanes violated defence and budgetary laws.[81]

The committee of inquiry investigated the roles of a number of businessmen in the high-profile purchase of the warplanes, thereby also implicating the inner circle of President Megawati Soekarnoputri. The committee questioned Indonesian military chief General Endriartono Sutarto, air force chief Marshal Chappy Hakim, Minister of Trade and Industry Rini M.S. Soewandi, State Logistics Agency (*Bulog*) head Widjanarko Puspoyo (PDI-P), the finance ministry's budget director, the chairman of the Indonesian Chamber of Commerce, Bank Bukopin officials, and the Russian ambassador to Indonesia. However, in the end, no evidence for further juridical action could be found and the DPR stopped its activities in the *Sukhoi* affair.

## Budget Function

The power of the purse is one of the oldest instruments that parliaments control to exercise influence and control over the executive. Article 23 of the Indonesian constitution stipulated that parliament and government must reach a consensus on the budget.

In reality, the draft budget was elaborated by the state administration and then submitted to parliament, which was placed under pressure to pass it quickly. Because of a lack of capacity and competence, parliament usually changed less than one per cent of the government draft budget. One legislator said that parliament did not have enough time to deliberate on detailed matters. The government and the ministries were pushing the legislators to agree.[82] Another MP reported that the legislators were responsible for some changes in the government's draft budget, but in the policy details (*kebijakan*

*mikro*), they have to leave it up to the experts from the state. As politicians, they must look at the macro level, not every detail.[83]

To demonstrate the influence of the legislators on the final version of the state budget, some examples will be outlined. In October 2000, the Wahid administration presented its budget proposals for 2001 to the budget committee of the DPR. During the budget discussions, the DPR demanded an increase in state spending for education. In a plenary session, DPR Chairman Akbar Tandjung stated that the allocations for education in Indonesia were among the lowest of all ASEAN countries. An increase in the quality of Indonesian human resources would help to overcome the national economic crisis.[84]

The DPR decided to increase the national education expenses in the budget. To further consolidate this trend, the DPR demands were brought to the MPR annual session in August 2002, where it was decided, as the fourth amendment to the constitution, to change Article 31 (4) so that at least twenty per cent of the state and district budget must be used for education purposes. Here the DPR had a significant impact on raising education expenditures,[85] which is a crucial issue for developing countries.

During the 2003 budget deliberations, the Megawati administration proposed raising the defence budget for 2003. Amris Hassan from PDI-P, vice-chairman of DPR Committee I on political, security and foreign affairs, was of the opinion that the military, as well as other institutions, had to gradually stop the use of non-budgetary finances — funds from businesses and foundations — because the practice lacked public accountability. Amris urged the military to immediately clarify whether or not it spent some thirty per cent of non-budgetary funds for its operations, threatening that the DPR would no longer support them in raising the budget if they did not comply.[86] Amris commented on a report released by the Supreme Audit Agency (BPK), which showed irregularities in the use of state budget funds in the Ministry of Defence. The report submitted to the DPR revealed 758 cases of irregularities involving 6.421 trillion rupiah (650 million euro). Amris admitted that the members of Committee I, who were appointed for the Budget Committee, had failed to monitor and control the use of the defence budget in the defence Ministry and TNI.[87] Finally, the DPR Budget Committee and the government agreed to raise the defense expenditures by 1.5 per cent.

On 28 October 2003, the DPR endorsed a revision to the 2004 State Budget Law increasing fuel subsidies. Here, the legislators acted against rational arguments by economists, who warned that maintaining the subsidized fuel prices at a time of surging oil prices could lead to a national fiscal disaster. The legislators opted for the populist solution of a further increase of the

subsidies at the expense of national financial consolidation. No increase would have led to higher fuel prices, a politically sensitive measure as many ordinary Indonesians rely on cheap fuel for their motorbikes. In fact riots in Jakarta during May 1998, shortly before Suharto's resignation, were partially motivated by drastically increased fuel prices.[88]

The three examples given for the DPR fulfilling its budget function as part of the oversight function show that parliament could exert some influence on the government's budget proposal during the deliberations. However, parliament lacked the expertise to have more impact on the final draft, which they had to pass. According to DPR vice-chairman A.M. Fatwa, who wrote in 2003, "the DPR is not yet able to perform fully its budget function" (Fatwa 2003, p. 133).

## Elective Function

During Suharto's authoritarian order, the DPR had no influence on the selection and dismissal of important state officials such as judges, national bank chiefs, military leaders, etc. With the constitutional amendments in 1999 and 2000, however, parliament gave itself — via the MPR — more control in the field of such appointments and dismissals. This, of course, increased parliament's supervisory function over the executive.

The positions of the national army and police chief are — given Indonesia's authoritarian and military-dominated past — powerful positions. Therefore, the appointment of these two leading officers is important for the power balance and the political developments in the country. When the constitution was amended in order to require the approval of the legislature for presidential nominations, parliament gained direct influence on this former presidential prerogative. In order to reduce the chances of a president returning to an authoritarian and military-supported system, parliament should have the ability to influence the composition of the military leadership. With such a competence, the principle of civilian supremacy over the armed forces — one of the preconditions of a functioning democracy — can be strengthened. Additionally, parliamentary control reduces the powers of the military as a potential anti-democratic veto player.

When, in July 2001, President Wahid dismissed National Police Chief Suroyo Bimantoro without asking for DPR approval, he met strong resistance from parliament. The legislators stressed the unconstitutionality of this step and used it as further justification to bring forward the impeachment process against the president.

Wahid's successor, President Megawati Soekarnoputri, had less tension with parliament concerning the appointment of the military chief. On 20 May 2002, she submitted her choice, General Endriartono Sutarto, for the post of Indonesian military chief to the DPR. Even though several legislators in the parliament gave mixed reactions to the nomination, most gave their clear support. Others argued they could not do anything as the president only gave the option of one candidate. Legislator Marzuki Achmad (Golkar) claimed that parliament could only approve or turn down the president's candidate. "We have received a sole fixed package for the nomination. So, our choice is only to endorse the nomination or reject it", he said.[89]

In this case, parliament did not strongly exercise its powers of oversight and simply approved the proposal of the president. Without extended deliberations, they endorsed Endriartono's nomination. This is underlined by the fact that only a slight majority — little more than the required quorum — of legislators attended the plenary session dealing with this topic.[90]

The Indonesian parliament also got a say in the appointment of ambassadors, which is — even in most Western democracies — the sole prerogative of the executive. After the resignation of President Suharto and the ensuing power shift, the DPR must confirm the president's ambassadorial nominations. In any case, the candidates have to pass a parliamentary hearing, answering the legislators' questions.

Foreign Minister Hassan Wirayuda once criticized the parliament over its perceived meddling in the appointment of Indonesian ambassadors to foreign countries. He reminded legislators that their role was limited to providing a second opinion for the government in appointing ambassadors and not to conduct a complete screening. "The House's duty is simply providing consideration to the candidates that we proposed, not to conduct final interviews", Wirayuda said.[91]

The amended 1945 Constitution stated that Indonesia's ambassadors are appointed by the president, taking into account considerations expressed by the DPR. In practice, however, the DPR asked each candidate to present their ideas and programmes to the parliament for consideration. The process sometimes lasted up to several months. Therefore the Foreign Ministry occasionally expressed their dissatisfaction with this procedure, especially as posts in important countries, such as Japan, were left empty for months.

Parliament was also involved in the nomination of the twenty-three members of the Commission on Human Rights (Komnas HAM, *Komisi Nasional Hak Asas Manusia*). This institution, already established in the last

years of the rule of Suharto, is responsible for guarding human rights and making public any violations. For the consolidation of an emerging democracy, such commissions can play a crucial role, as defending human rights is an essential ingredient of democracy.

When in June 2002 the Megawati administration included experienced human rights activists such as Todong Mulya Lubis, Warda Hafidz and Hendardi on the short-list for membership in Komnas HAM, reformists hoped for a better protection of human rights. The parliament committee, which was responsible for the final appointment, failed to develop meaningful criteria for its selection and eventually endorsed twenty-three other names. The well-known activists — though they met all the required professional qualifications — were rejected. To make matters worse, several persons who were known for their pro-military stance in handling human rights abuses, and former military personnel serving in troubled provinces such as Aceh, West Papua, and Maluku were appointed (Rüland, Jürgenmeyer, Nelson and Ziegenhain 2005, p. 251).

It can be assumed that the candidates selected by the DPR have some hesitations to prosecute human rights violators, which mostly come from the military. Coordinator of the Commission for Missing Persons and Victims of Violence (*Kontras*) Ori Rachman explained that, according to him, the DPR had failed to understand the concept of human rights and the needs of the commission. "The results of the selection process show the public that the legislators make political interest their criteria for recruitment", Rachman said. Fellow rights campaigner Munir Said Thalib suspected that the commission had approved mostly members whose presence was meant to protect the interests of the government or the military. Such public criticism can always arise when legislators do not use clear-cut criteria, which can result in accusations that such fit-and-proper tests are a mere political game.[92]

## A LOT, BUT STILL NOT ENOUGH: THE LEGISLATIVE FUNCTION

The reform agenda, to a great extent, depended on the ability of the DPR to churn out as much legislation as quickly as possible, putting Indonesia on a strong footing in terms of the rule of law. Legislation is the centre of political decision-making. It is the venue where all actions and rights are determined, granted and limited. For the consolidation of democracy, law-making is of utmost importance, since the new "rules of the game" have to be agreed upon and transferred into law, which binds all major social groups.

In the daily work of the Indonesian parliament, committees play an important role in the legislation process. The growing complexity and volume of political issues dealt with by parliament requires specialization in parliamentary tasks. This need is usually institutionalized by the establishment of committees to whom the detailed work is delegated. By this process, a good deal of parliamentary business is transferred to committees. The parliament of Indonesia has nine standing committees which specialize in different political fields. Each committee deals with several government ministerial departments.[93] The "battle of opinions" usually takes place in the committee sessions. According to Legislator Slamet Effendy Yusuf, the committee sessions are the freest place (*tempat yang paling bebas*) in the DPR to talk about political issues with other legislators and the government.[94]

According to the 1945 Constitution, DPR's law-making rights have their limits. In the case of a "compelling emergency", the president has the right to issue government regulations in lieu of laws (Article 22 (1)). Such regulations must receive the ex post facto consent of the DPR during its subsequent session (Article 22 (2)). On 21 July 2001 then President Abdurrahman Wahid issued a decree declaring a state of emergency and dissolving the MPR, the DPR, and the Golkar Party. However, the Supreme Court ruled this decree unconstitutional and President Wahid was impeached on the next day by the MPR because his decree violated the constitution.

Another recent example of government regulations in lieu of laws was the anti-terrorism decrees promulgated after the bombing attacks in Bali on 12 October 2002, which remained in effect until the DPR passed the fully-fledged Anti-Terrorism Law in March 2003. Contrary to established governmental practice during the *Orde Baru* era, when President Suharto habitually bypassed the MPR and the DPR as he saw fit, presidential decree-making powers (*Kepetusan Presiden and Instruksi Presiden*) are now firmly subordinated to parliamentary control. According to a recent decision by the MPR (*Ketetapan MPR no. III/2000*), presidential decrees were placed close to the bottom of the order of legislation. Article 2 of this MPR decision specifies the following hierarchy of legal norms in descending order: Constitution of 1945 (*undang-undang dasar*); Decisions of the MPR (*ketetapan MPR*); Laws passed by the DPR (*undang-undang, UU*); Government Regulations Replacing a Law (*Peraturan Pemerintah Pengganti UU*), which later have to be confirmed by the DPR; Government Regulations (*Peraturan Pemerintah, PP*); Presidential Decrees (*Kepetusan Presiden*); and lastly, Local Regulations (*Peraturan Daerah, PD*). Based on what is called "*Stufentheorie*", presidential decrees in Indonesia are restricted to the function of defining implementation rules of a government regulation (*Peraturan Pemerintah, PP*).[95]

The veto of the Indonesian president has, in effect, been abolished by the second constitutional amendment, which stipulated that the president can only delay the enactment of a bill for thirty days (Article 20 (5)). This provision certainly weakens the president, as it does not require parliament to overrule the presidential veto with a qualified majority. All parliament has to do is to wait for the thirty days to elapse. In parliamentary practice, however, the president still exercises an effective veto over legislation because a bill cannot become law without the "joint agreement" specified in Article 20a (3). A formal presidential veto never arises in public but through the government's power to prevent the passage of a bill during the negotiations with the DPR's committees (Sherlock 2005, p. 6).

An example of the DPR's resistance to passing presidential decrees took place in May 2004, when President Megawati Soekarnoputri issued a Government Regulation in Lieu of a Law or *Perpu no. 1/2004* on 12 May 2004 allowing thirteen mining companies to resume operations in protected forests. Previously, Law no. 14/1999 banned open-pit mining activities in protected forests, prompting several mining companies to suspend their operations. Legislator Andas P. Tanri (Golkar) of the DPR's Committee III said that his committee had officially rejected the presidential decree.[96] However, in July 2004, the DPR approved the *Perpu* no. 1/2004, but only because at the plenary session an accidental majority was found — or some backroom dealing took place, whose circumstances convinced doubtful legislators.

The decision was further blemished by the fact that only 130 legislators of the DPR's 500 members supported the government regulation in the plenary session. Although 102 legislators rejected the government regulation, the DPR endorsed the bill in a vote. The quorum of fifty per cent was only reached because more legislators signed the attendance list and then left the session. Critics such as Sri Soemantri of the Padjadjaran University in Bandung argued that the Rules of Procedures of DPR needed to be changed, so that at least two-thirds of the legislators should be physically in attendance for a law to be passed, not just signed in on the attendance list.[97]

## Constitutional Amendments

The four constitutional amendments passed during the democratization period represented important changes toward a democratic order. They paved the way for real political change. As explained earlier, the MPR and not the parliament had the power to decide directly on constitutional changes. However, because of the high number of parliamentarians in the MPR, parliament also contributed a great deal to these constitutional changes.

Dimyati Hartono, lawyer and legislator from PDI-P, however, criticized the way in which the constitution was changed: "In the entire amending process of the constitution, there was no systematic approach. Every year the MPR bargained on different matters. It was like making some holes in a wall, while closing some holes at the same time. But the constitution did not deserve to be treated like this, because it is the basic rule of law in our country."[98] The unsystematic approach of the MPR in amending the constitution has indeed resulted in much unclear manoeuvring and heavy bargaining on certain issues. Since the changes were introduced only in a patchy fashion, many of them have been based on short-term political interests. However, in approving the fourth constitutional amendment in August 2002, the MPR members could agree upon a quite comprehensive constitutional framework.

A remarkable fact was that the Golkar faction — dubbed before the 1999 election as a pro-status quo force — was one of the most active promoters of constitutional change, while the PDI-P faction — once labelled as the spearhead of *reformasi* — was more reluctant to reform the constitution. For Indonesian nationalist groups and parties such as PDI-P, the Constitution of 1945 is a symbol for the declaration of independence from colonial rule and therefore of high emotional value (Ufen 2002*b*, p. 469).

However, a majority of legislators represented in the MPR saw the urgent necessity for new rules among the political institutions after the regime change and the beginning of the democratization process. As mentioned in Chapter 4, the not-freely-elected MPR during the presidency of B.J. Habibie paved the way for constitutional amendments with the MPR Decision no. VIII/1998 generally allowing for constitutional reforms.

After the "traumatic experience when parliament was too weak and the government abused its power"[99] the primary intention of the DPR and the MPR was to strengthen the role of the parliament and to limit the power of the executive, especially the presidential powers. A typical phenomenon of transition processes is the attempt of the reformers to circumscribe the former dominant powers of the executive with a power shift towards the legislative branch.

The first Amendment of the 1945 Constitution was passed by the MPR in October 1999. It changed Article 7, limiting the presidential terms to two, granted the parliament the right to establish laws (Article 20) and entitled the members of the DPR to submit proposals for draft laws (Article 21). Before these amendments, the DPR was only entitled to give approval to bills proposed by the government. It is obvious that these amendments were substantial improvements to the legislative function of parliament. They enabled parliament to play a more active role in the legislative process.

According to Akbar Tandjung, the changes were necessary "to reach a system of checks and balances and to prevent having a power accumulation and concentration on the president again" (Tandjung 2003, p. 99).

Of equal importance were the constitutional changes passed on 18 August 2000 by the MPR in the second Amendment of the 1945 Constitution. The functions of parliament were now explicitly stated: it shall have a legislative, budgetary, and supervision function (Article 20a). The rights of interpellation, inquiry, statement of views, immunity, posing questions, and recommending proposals now became constitutional rights (Article 20a). Parliament thus gained the rights necessary for the effective fulfilment of its functions.

Perhaps the most important of the new powers of the DPR was the right to initiate laws (Article 21 (1)). The president was given only thirty days to endorse them. After the deadline, the laws would be effective even if the president did not sign the bill. Thus, DPR became, after the second constitutional amendment, very powerful in the process of legislation and left the president without veto power.

Other democratic improvements were the introduction of Articles 28a to 28j, which provide guarantee to a detailed catalogue of civil and human rights. Important for the spreading of power in order to overcome the strictly centralistic authoritarian administrative order were the Articles on decentralization (Articles 18, 18a, and 18b).

The third Amendment was passed on 10 November 2001, shortly after the impeachment of President Wahid. The 2001 MPR session was an example of how a crucial situation on the last day of the session could be resolved thanks to a short, informal meeting among top party leaders. An agreement was reached only in the last minutes of the session. The results were mostly provisional and were further elaborated in the fourth aAmendment in 2002. The main point of discussion was the direct election of the president. Jacob Tobing (PDI-P) said that all factions supported the idea of a direct presidential election except representatives of the Indonesian military and national police.[100]

Furthermore, two Islamic-oriented parties, the United Development Party (PPP) and the Crescent Star Party (PBB), used the amendment issue as an opportunity for political campaigning. Despite opposition from other factions and criticism from observers, the two parties were steadfast in their support for the inclusion of the seven words of the Jakarta Charter (*Piagam Jakarta*) demanding Islamic *shariah* law for Muslims in Article 29 of the Constitution. The original Article 29 affirmed that the state is based on belief in one supreme God, while the PPP and PBB wanted to add a phrase which would acknowledge *shariah*. Despite all the efforts of the *shariah*

supporters and some mass demonstrations outside the DPR, the large majority of MPR members refused to include the Islamic law in the Indonesian constitution.

Shortly before the beginning of the annual MPR session in 2002, the Indonesian military (TNI), along with the national police, raised its opposition to the whole constitutional amendment process and called for a return to the (unamended) 1945 Constitution. TNI chief General Endriartono Sutarto said that the amendment process had deviated from its original purpose and that "the TNI and the national police will support any decision made at the upcoming Annual Session, including the possibility of issuing a decree providing for the reinstatement of the 1945 Constitution if this was considered the best choice for the country".[101] The military and police faction were supported by 199 of the 700 MPR members — among them many from PDI-P — who signed a petition urging the MPR to stop the ongoing process of amending the constitution.[102]

Indonesian military and the national police thus made it very clear that they preferred the 1945 Constitution. Had such a step been taken, it would have had a disastrous impact on the whole democratization process. The revocation of the rights which had been given to the DPR in the constitutional amendments would jeopardize the system of checks and balances and contribute to authoritarian tendencies.

In the end, the MPR was able to block the radical Muslim demands for *shariah* law as well as the threat of the "ultra-nationalists" demanding a return to the 1945 Constitution. The result, the amended constitution, provided a reasonably comprehensive framework for the future of the political system of Indonesia. It was remarkable that no voting was needed to agree upon the solution. A journalist wrote that at least one

> must pay tribute to the 695 Assembly members, particularly their leaders, for showing us that Pancasila-style consensual democracy is still very much alive in this country. The MPR members have shown us that most political differences can still be resolved through deliberation and consensus. Of course, there is absolutely nothing wrong with the use of a vote as another democratic way of settling conflicts. But if differences can be ironed out through debate, then why put them to a vote?[103]

Non-governmental organizations and reform activists, however, complained that the process of amending the 1945 Constitution had barely involved any public participation. They demanded a constitutional commission (*Komisi Konstitusi*) to be composed of experts and non-politicians. To appease these demands, such a commission was installed to produce

recommendations, however, the final say on constitutional amendments remained with the MPR.

In the third and fourth constitutional amendments, the institutional set-up of the Indonesian political system was changed radically. The changes, which became effective after elections in 2004, were so significant that the most important ones are worth listing here:

- In 2004, for the first time in history, the Indonesian people directly elected the president and vice-president. In 1999 and before, the MPR had elected the president and vice-president, leading to horse-trading that reflected more the power equation and bargaining skills of politicians than the wishes of the electorate. Before the direct public election of the president, "winning the presidency was essentially a function of 700-odd men and women making deals in smoke-filled rooms behind closed doors. It was a private affair, not for public debate."[104] With the introduction of the direct presidential election, however, the people got the right to decide themselves who should become the new president without direct interference by political parties. Additionally, the conditions for an impeachment were more precisely defined and the newly-created Constitutional Court had a major say in such a process.
- The Regional Representative Council (DPD), a senate-like body, was set up to give regions a greater voice in national affairs, further strengthening the position of the regions vis-à-vis the central government. Representation in this new second chamber was limited to regional representatives, based on the formula that the number of DPD members should not exceed one-third of the number of members of the DPR, and that each province should have an equal number of representatives. The amended constitution also stipulated that the DPD had the right to give input to issues related to regional autonomy, centre-region relations, regional budgets, and natural resource management. However, this only gave the DPD a scope of action in limited policy fields. Additionally, there was a lack of clear oversight function toward the executive and the system of cooperation with the DPR remained unclear. The result was something that has been reduced to a form of "soft bicameralism".[105]
- After October 2004, the MPR comprised the DPR and the DPD. All members were elected via democratic elections. In 1999, some MPR members had been appointed, including those from the Indonesian military/national police factions. Within the MPR, the social groups' faction (*fraksi utusan golongan*) was the only faction that defended its

own existence and opted against the creation of the DPD in the midst of opposition from other factions.
- The military and police were required to relinquish their representative seats, formally ending their role in practical, day-to-day politics after 2004.
- There will possibly be a greater connection between voters and representatives by the introduction of an open candidate list on the DPR's ballot paper. Although to date people still voted for parties rather than candidates, they had the chance to change the order of the candidates. DPD candidates appeared on the ballot paper without party affiliation.
- A General Election Commission (KPU) has been set up that is far more independent and more credible than the one in 1999. Instead of representatives of the participating parties twelve non-partisan, prominent figures head the KPU.

These constitutional provisions might not be perfect, but are far better than the rules in place between 1999 and 2004. According to DPR Vice-Chairman A.M. Fatwa (PAN), the constitutional amendments were the second most important step in the democratization process after the toppling of Suharto, since they brought the institutionalization of *reformasi* (Fatwa 2003, p. 324).

At the very least, the amended 1945 Constitution has stripped away some of the powers of the president and the MPR, and restored them to their rightful owners: the people.[106] Under the amended 1945 Constitution, the new Assembly (MPR) was to be less powerful than its predecessors, since it would no longer elect the president. Thus, indirectly, the DPR also lost power. The amendment process showed that parliament gained a great deal of power, but at the same time the legislators were responsible enough to yield power in the interest of a better functioning political system.

Altogether, thirty-three of the thirty-seven articles were changed and the volume of the constitution was nearly doubled. Only very clear statements such as "the president leads the executive and is assisted by a vice-president" (Article 4) or that he has "the command over the Armed Forces consisting of army, navy and air force" (Article 10) remained unchanged. Therefore Indonesia developed a new constitution[107] rather than an amended one, even if the document still bears the same title "Constitution of 1945".

The major changes to the constitution mentioned above prove the efforts and the important role of the members of parliament represented in the MPR. Thus, the legislators played a crucial role in determining and shaping the system of government. This colossal task made up a great part of the legislative function of the parliament between 1999 and 2002. As

mentioned above, the approach of amending the constitution was rather unsystematic and often confusing, but the final result give reason to hope for democratic consolidation.

## Modification of the Standing Orders

To establish democracy, the work in parliament itself had to be changed in order to permit a democratic decision-making process and to guarantee individual rights (e.g., freedom of speech) and the rights of groups and factions. Thus the Indonesian parliament had to modify its standing orders (*Tata Tertib DPR*) which determine its functioning through a great number of rules.

When comparing the rules of procedure of the DPR of 1997 (Sekretariat Jenderal 1997) with those of 2001 (Sekretariat Jenderal 2001) it is clear that the standing orders were not drafted completely anew, but rather amended in several regards. Besides some minor word replacements and rearrangements of the order of the articles, the most striking points amended are the articles on the composition and the rights of parliament. It is stated in Article 3 that the DPR consists of members of political parties as a result of the general elections and members of the military/police who are appointed (*terdiri atas anggota partai politik hasil pemilihan umum dan anggota TNI/Polri yang diangkat*). In the Standing Orders of 1997, parliament was composed of people's representatives from the organizations participating in general elections and the functional group of the armed forces (*terdiri atas wakil-wakil rakyat dari organisasi peserta pemilihan umum dan golongan karya ABRI*). It is remarkable that the term "people's representatives" has been changed to "members of political parties", showing the growing influence of the political parties.

The new rights of parliament as a result of the constitutional amendments redefining the position of parliament toward the executive are reflected in the Standing Orders of 2001. Article 4 gives DPR — in accordance with Article 20a of the Second Constitutional Amendment — legislative, budgetary, and supervisory functions (*DPR memiliki fungsi legislasi, fungsi anggaran, dan fungsi pengawasan*). While in the Standing Orders of 1997 (Article 4) DPR had the right to draft laws and determine the state budget together with the president (*bersama dengan Presiden*), the Standing Orders of 2001 do not mention cooperation with the president, and therefore define these rights as exclusively parliamentarian.

The most important change of the Standing Orders is the implementation of the new rights that the DPR received through the constitutional

amendments, a decision reached by the MPR, and the new laws since 1999. These rights are listed in Article 5 (i) of the Standing Orders of 2001:

1. Delivering of a memorandum to remind the president, if the DPR considers the president has violated the state guidelines (*haluan negara*), and to convene a special session of the MPR if the president does not heed the second memorandum;
2. Giving approval to the president's appointment of the commander-in-chief of the armed forces and the national police chief;
3. Proposing to the president two candidates for chairman, vice-chairman and judges of the Supreme Court (*mahkamah agung*);
4. Proposing to the president three candidates for chairman, vice-chairman and members of the National Audit Division (*badan pemeriksa keuangan*);
5. Giving approval to the president's proposal of governor and vice-governor of the National Bank (*Bank Indonesia*);
6. Electing and approving members of the National Committee on Human Rights (*Komnas HAM*);
7. Giving approval to the president's appointment and dismissal of members of the committee supervising trade competition (*komisi pengawas persaingan usaha*);
8. Giving approval to the president's appointment and dismissal of members of the Anti-Corruption Committee (KPKPN);
9. Giving approval to the president's appointment of members of the Election Commission (KPU);
10. Voicing its opinion to the president on the opening or closing of diplomatic or consular affairs with foreign countries within as well as international organizations outside; and
11. Voicing its opinion to the president on sending of troops or carrying out peace-keeping missions abroad.

During the *Orde Baru*, the DPR did not have these rights, and the introduction of them during the democratization process shows the growing supervisory function of parliament toward the executive and especially toward the president as head of the executive.

Other oversight rights of the parliament, such as the right of interpellation, summoning state officials, demanding explication from the president, and forming investigation committees are already mentioned in the Standing Orders of 1997, though they were never practised.

Another new appearance in the Standing Orders of 2001 was the ethical code (*Kode Etik*), which was codified in Article 10. This ethical code was

passed as a supplement to the rules of procedures on 16 October 2001. It is a list of regulations designed to raise the professionalism of individual parliament members and the image and credibility of the DPR as a whole. The ethical code prohibits practices in connection with corruption, collusion, and nepotism. However, the sanctions for offences against the ethical code are unclear and have to be decided by parliament's leadership. Thus, the introduction of such an ethical code is nothing more than a "nice try" to cope with MPs' problematic behaviour and is more or less ineffective.

There were also several amendments concerning factions in the DPR. The most striking difference is that in the Standing Orders of 1997, the four factions (ABRI, Golkar, PPP and PDI) are already determined, referring to the fact, that the party composition of parliament was secure even before the elections. This was changed in the reform era, during which factions are formed from political parties as a result of general elections. The newly-introduced Article 14 of the Standing Orders of 2001 requires a minimum number of ten MPs to form a faction. Independent members were still not allowed by Articles 14 (1) and 15 (3), so every elected legislator was obliged to join a faction.

The above-mentioned passages represented the major amendments in the Standing Order of the DPR between 1997 and 2001. Compared to the total volume of Standing Orders, the changes do not represent very much, maybe less than two per cent of the whole text. What remained completely untouched was the shaping, function, and working methods of the committees. Also, the manner in which a law is introduced (by government or by parliament), discussed, and finally passed or refused is exactly the same in the Standing Orders of 1997 and 2001.

## *Musyawarah* and *Mufakat* in Decision-making in Parliament

Debating (*musyawarah*) until a compromise is reached that everybody can accept (*mufakat*) still characterizes the Indonesian way of making decisions in parliament. Voting and counting the votes is a rare exception and is only applied if no consensus can be reached. It is quite clear that such a mechanism worked in Suharto's *Pancasila* democracy, where opposition was not part of the system of government. But also in the Standing Orders of 2001, Article 177 rules that decision-making in the DPR should, as far as possible, be based on this mechanism (*dengan cara musyawarah untuk mencapai mufakat*). Only when there is no possibility of this must voting take place.

Many legislators, especially from PDI-P, are against the Western principle of "one man — one vote", and prefer the Indonesian "deliberation until

consensus" (*musyawarah untuk mencapai mufakat*). Such a *mufakat* (consensus) is no compromise, because it is not a bargained give and take, but a decision accepted by all parties (*hikmat kebijaksanaan*).[108]

M. Ryaas Rasyid, in 1997 working for the Department of Home Affairs, explained the historical background on which the *Orde Baru* founders introduced the *musyawarah/ mufakat*-principle: "Any tendency toward disunity should be avoided.… One of the reasons why colonialists could control Indonesia for so long was because the Indonesians were not united. Second, that Liberal Democracy had brought the nation to the brink of disintegration, while Guided Democracy had created bitter and counter-productive hostility among the elite and the masses".[109]

The resentment against the use of voting as a mode of decision-making remained strong among all parliamentarians. Critics of the consensus principle argue that this reflects the old *Orde Baru* mentality, where no diverging opinions were tolerated. Reaching a consensus would literally mean backroom dealings and horse-trading and non-transparent ways of decision-making prone to corruption.[110] According to legislator Jakob Tobing (PDI-P), many Indonesian people and legislators do not like the voting mechanism. For Tobing, however, voting is necessary so that not so much time is wasted in coming to a decision. At the moment, committees follow the practice that if there is only a small minority who disagrees, they usually say that they will not obstruct (*menghambat*). If not, the committee members have to vote.[111]

Tay Keong Tan states that *musyawarah* until *mufakat* is a big advantage for Indonesia because smaller parties can voice their positions too and their opinions will be included in the decision-making process (Tay Keong Tan 2001, p. 80). This method is certainly good for the inclusiveness of decision-making processes and thus for the acceptance of decisions made, but in many ways is rather inefficient and wastes time. Additionally, such a mechanism lacks transparency and is prone to collusion by faction leaders (Johnson Tan 2005, p. 98).

Another effect of the consensus principle is that all party factions are guaranteed a say on pending legislation. However, in practice, decision-making by consensus gives the leadership of the factions in the DPR a great deal of power to the detriment of the ordinary legislators. Individual DPR members may have their own opinions, but party leaders ultimately can agree or defeat a matter by deciding on a consensus with the other faction leaders (Johnson Tan 2002, p. 497). In a vote, where each member has the same weight, such an exclusionary method would be impossible.

Many people, intellectuals and journalists included, still have the spirit of consensus when they complain that "democracy became a mere plaything

for our politicians as the House of Representatives and the administration continued their endless power struggle".[112] In a pluralistic democracy, however, the tug-of-war between the executive and the legislative branches is an integral tension. When it is handled according to the existing rules and does not result in an enduring deadlock, power struggle is beneficial for a functioning democracy. In Indonesia between 1999 and 2004, there were many conflicts between parliament and government, some of which led to temporary standstill, especially during the Wahid administration. But looking back, most of them were not destructive though sometimes more politically motivated than issue-oriented.

One could conclude that some of the political changes between 1997 and 2001 were reflected in the rules of procedure of the DPR, however, the working methods of the MPR remained strongly influenced in many practical matters by the Suharto era and even during the time before Suharto (Tay Keong Tan 2001, p. 80).

## Law-making Processes and Laws between 1999 and 2004

After the constitutional amendments of 1999 and 2000, the legislative function was declared explicitly to be the prerogative of parliament. In reality, however, writing legislation is still the job of the executive, who prepares most of the draft laws (RUU, *rancangan undang-undang*). Because of its limited financial and manpower capacities, parliament can hardly cope with the large number of draft laws. As an example, Zein Bedjeber, the chairman of the Legislative Committee of parliament (*Badan Legislatif DPR*), announced on 3 May 2001 that the DPR had passed less than ten laws in the first quarter of the year 2001.[113] The target had been sixty-four laws. From January to August 2001, at the height of the stand-off between President Wahid and parliament, only thirteen pieces of legislation were passed, most being mere administrative changes (Johnson Tan 2002, p. 495). Parliament earned itself the nickname "talking shop" for its lack of productivity in deliberating, passing and drafting new legislation.

As Table 5.6 shows, the DPR passed forty-one new laws until the end of 1999 and thirty-eight laws in 2000. In the subsequent two years, legislative performance declined to twenty-two in 2001 and thirty-two in 2002, respectively. In 2003 and 2004, the number increased to forty-one each year. This is even below the DPR performance during much of the *Orde Baru* period, especially taking into account that a great percentage of the laws are merely devoted to the creation of new regencies (*kabupaten*). This is not a very demanding and time-consuming task, because these bills "follow a

**TABLE 5.6**
**Laws Passed by the DPR between 1999 and 2004**

**a) Total Number of Laws Passed by the DPR Between 1999 and 2004**

| | *1999* | *2000* | *2001* | *2002* | *2003* | *2004* |
|---|---|---|---|---|---|---|
| Total Number of Laws | 41 | 38 | 22 | 32 | 41 | 41 |

**b) Number of not very time-consuming Laws Passed by the DPR Between 1999 and 2004**

| | *1999* | *2000* | *2001* | *2002* | *2003* | *2004* |
|---|---|---|---|---|---|---|
| Budget Laws | 3 | 5 | 1 | 5 | 3 | 3 |
| Laws concerning administrative changes | 8 | 14 | 17 | 13 | 24 | 5 |
| Laws concerning international treaties | 4 | 2 | 1 | 1 | 1 | 2 |

**c) Net Legislation**

| *1999* | *2000* | *2001* | *2002* | *2003* | *2004* |
|---|---|---|---|---|---|
| 26 | 17 | 3 | 13 | 13 | 31 |

*Source:* Assessment by the Author.

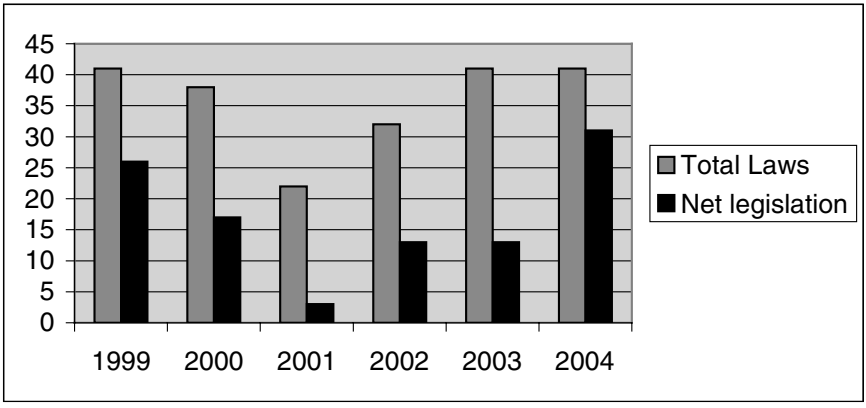
formula and on the whole differ only in the name of the particular district or city involved" (Sherlock 2003, p. 19).

Table 5.6 lists the total number of laws passed in the DPR from 1999 until 2004, and then splits this number into budget laws, laws concerning administrative changes such as the creation of new regencies and provinces, and laws concerning international treaties and conventions. In order to determine the net output of legislation of the DPR, I have subtracted the latter two kinds of laws, which are estimated as not very time-consuming, and the budget laws from the number of total laws.

This legislative performance looks somewhat bleak, given the enormous pressure for reformist legislation after over thirty years of authoritarian rule and in view of the disastrous economic crisis hitting the country. If one subtracts laws concerning budgetary matters, adminstrative changes and the ratification of international conventions from the total number of laws, the result is even worse.

An excuse might be that a high number of legislators were newcomers and therefore inexperienced in legislation. Legislator Endin A.J. Soefihara (PPP) explained that some bills were difficult for all legislators to understand,

**FIGURE 5.2**
**Net Legislation (without Budget, Adminstrative Changes and International Conventions) between 1999 and 2004**




*Source:* Assessement by the Author.

which he admitted could be one reason why deliberation over the bills could take several months. He cited as an example the deliberation over the State Finance Bill. Endin added that lack of time to deliberate over the bills had also led to the failure to produce new laws.[114]

Moreover, new mechanisms and legislative procedures had to be adopted. Further adding to the low output were the time-consuming debates on the re-positioning of the legislature in the government system, which found its expression in four rounds of constitutional amendments, and the constantly rising time allotted by legislators to supervisory functions. In 2001, the impeachment of President Abdurrahman Wahid occupied the DPR for a full six months and much time was also spent in hearings scrutinizing state institutions. Thus, all in all — even taking into account initial difficulties — after three years in operation, one can hardly escape the impression that legislative efficiency is still quite low.

Allegedly, government agencies are spurring the legislative procedures of the DPR with financial support for the legislators. Critics say that the government often feels compelled to "buy its way" through the legislature to expedite things. Hence allegations have abounded about how particular ministers made payments which were disguised in fraudulent legal expense accounts to DPR members.[115] Political observers such as Australian scholar Harold Crouch stated that "it is well known that many members of the DPR

are willing to accept money in exchange for their support for bills and other parliamentary measures" (Crouch 2003, p. 17).

Legislative initiatives from parliament are rare exceptions. From 1998 until 2001, parliament adopted only five laws based on its own legislative initiatives, most of them in connection with the creation of new provinces and districts. The failure of the legislature to propose bills allowed a more dominant role for the executive to impact the agenda in proposing most bills. In the five-year term between the end of 1999 and October 2004, only just over a dozen bills came from an initiative of DPR members and not from the government. These included: the creation of the provinces Banten, Bangka Belitung and Gorontalo and Riau; the Bills on the Special Autonomy of Aceh and Papua in 2003; the Broadcasting Bill, the National Education Bill, the Constitutional Court Bill, the Bill on Geothermal Energy, and, in 2004, the Bill on the Administrative Court.

It seems however, that the legislation is quite inclusive, meaning that there are a number of laws and bills that have been passed or are still under deliberation by the DPR, which represent the interests of the lower classes. In this context, an important law for many ordinary Indonesians was the Law on Manpower (*ketenagakerjaan*). It replaced the controversial Manpower Law no. 25/1997 enacted during Suharto's authoritarian rule, which "fully reflected Suharto's repressive labour policies that legalized and promoted the exploitation of workers in the name of industrial competitiveness to fuel high growth".[116] The new law, passed in 2003, guaranteed minimum standards for working conditions, the workers' right to strike, and severance and compensation payments. The law additionally stipulated elaborate provisions on the recruitment and rights of temporary workers and the outsourcing of services to other companies.

The Law on Labour Disputes (*undang-undang 2/2004*), which was passed by DPR in December 2003, had similar effects. Employers could no longer arbitrarily fire their workers as the new Law on Labour Dispute Settlement allows a dismissed worker to directly bring his or her case to court. However, the new legislation allows employers to seek court orders preventing labour unions employing forms of industrial action such as massive rallies.[117]

Another successful law with no upper-class bias was the Law on Child Protection (*perlindungan anak*, Law no. 23/2002). In combination with the Law on Domestic Violence (*undang-undang No. 23/2004 tentang kehapusan kekerasan dalam rumah*), passed in September 2004, both laws supported the interests of weak and marginalized groups, since they particularly sought to protect housewives and children. Despite criticism about the absence of minimum penalties,[118] these laws can be very useful to guard the human

rights of the concerned persons. These Indonesian regulations are quite progressive, as even in some established Western democracies, laws on domestic violence either do not exist or, as in Germany, were just passed recently.

Another important law concerning millions of ordinary Indonesians was the Plantation Law. This legislation, passed in July 2004, received disapproval from non-governmental organizations and farmers associations because of the absence of clearly set provisions on business ties between smallholders and plantation companies, which has, thus far, put farmers at a major disadvantage in bargaining with businesspeople.[119]

Another law that presumably favours big business interests at the expense of small farmers was the Law on Roads (*undang-undang jalan*), which was debated and passed in the year 2004. The law was expected to erase obstacles faced by toll road operators, especially during land clearance. Small landowners run the risk of having to surrender their assets for unfavourable government-determined prices. Additionally, high penalties are foreseen for persons who do not agree with the building of a highway on their land. According to the law, any individual or institution that intentionally disrupts the construction or operation of the highways can be penalized with a maximum of eighteen-months in prisonment and/or a fine of 1.5 billion rupiah (about 150,000 euro).[120]

An example of a law that did not favour the powerful was the State Finance Law (*undang-undang no. 17/2003 tentang keuangan negara*). On 6 March 2003, the DPR approved this law which aimed to ensure transparency and accountability in managing state finances. Under the newly approved bill, if any irregularities in the use of state funds are found, not only will officials in charge of the funds have to pay for the losses, they can also be put in jail for the crime. Irregularities are defined as any difference in the use of state funds between the figure set out in the state budget and the amount used in the implementation stage which is not properly accounted for. The law also emphasized the principle of equality before the law, meaning that all officials, ranging from a leader of a state-funded project to head of a state institution or minister, who have committed the wrongdoing will be punished equally.[121] While the intent of this law to help curb the massive corruption by state institutions is in the right direction, the implementation remains doubtful.

The DPR also produced laws which did not strengthen but rather weakened its role. The Law on the Constitutional Court (*undang-undang no. 24/2004 tentang Mahkamah Konstitusi*) gave this institution the power to annul any legislation enacted by the legislature and/or executive, if legislation is deemed to have failed the test of constitutionality. Together with the direct

election of the president, the DPR lost power. The law strengthened the division of power between the executive, legislature and judiciary by giving the judiciary a final decision with no recourse for appeal.

The DPR, which was usually criticized for being too slow in its deliberations of bills, became very active at the end of its term in August and September 2004. This led to a marked increase in the number of bills endorsed during the last two weeks of the term. It was ironic because parliament always had a huge backlog of draft bills that needed to be endorsed at the end of its five-year term. This parallels the 1997–99 parliament which also passed a number of bills in its final days in an apparent attempt to be remembered as an effective legislature. No adequate public hearings were held for many of the bills prior to passing them into law in the last two weeks of the 1999–2004 parliament term.[122] Since the decisions were reached in a hasty and discreet manner, the laws were prone to be flawed.

Since many laws are deliberated without enough public input, passed laws occasionally did not reflect the needs of large portions of the population. Well known scholar Jimly Asshidiqqie, now a member of the Constitutional Court, criticized the legislators for their tendency to ignore the expertise of scientists and academic specialists. He said that legislators often invited scholars for hearings and discussions but these were just a formality and the ideas of scholars were ignored.[123] Although this may also occur in Western democracies, the missing input of experts and the general public is also responsible for the inadequate quality of the laws.

Therefore, economic experts often complain about the poor quality of many laws. For example, Hans Shrader, the programme manager for the International Finance Corporation and its private sector lending arm of the World Bank, the Business Enabling Environment service unit, voiced criticism of the unclear business conditions created by new laws. He suggested that "before legislation is introduced to parliament, there should be an assessment as to what the cost of the legislation would be on businesses, and what its impact on the business environment would be".[124]

According to many experts, the quality of many laws passed by the DPR can be rated as relatively low. Often they are inconsistent with other legislation and not precise enough, leaving too much room for interpretation. DPR Chairman Akbar Tandjung admitted these flaws in his report during the MPR consultative session in 2004 when he stated that, "the quality of many [laws] remained a cause for concern" and that "there must be improvements made to the quality of legislation in the future". He acknowledged that many of the laws approved by the DPR, especially those endorsed in 2004, were of questionable quality.[125]

Prominent lawyer Todung Mulya Lubis said many regulations, ranging from laws to contracts, employ complicated words, thus creating many possible interpretations and opening up numerous loopholes. Another legal expert, Karni Ilyas, said the country's laws were not only difficult to understand, but open to interpretation and misuse by people with various vested interests. Suhariyono, senior official at the Ministry of Justice and Human Rights, explained that many rulings used words that were difficult to explain. He elaborated that "elastic" phrases like "for the sake of the general public" and "emergency status" opened the way to different interpretations, paving the way for abuse by those in power. "These words can cause injustice in the end", he concluded. Suhariyono proposed that legislators initiate a law on the interpretation of rulings, concretely defining legal terms often used in regulations, thus putting an end to the confusion and multi-interpretations.[126] Because of the ambiguities in legislation, the general poor law enforcement in Indonesia can be partly blamed on lawmakers who fail to produce precise and understandable regulations.

A typical phenomenon of transition processes is the shaping of institutional laws in favour of certain persons who are intended to fill the position (Bos 1994). Indonesia was no exception. The result of the Presidential Election Law (*undang-undang no. 23/2003*) was a compromise to accommodate all possible candidates. The condition that a presidential candidate was required to hold at least a bachelor's degree was dropped so that PDI-P chairwoman Megawati Soekarnoputri was allowed to participate. The words "defendant in a criminal process" were dropped to let Golkar Chairman Akbar Tandjung join the race. The originally intended fifteen per cent electoral threshold was lowered to only three per cent for ambitious candidates like Amien Rais (PAN), whose party was expected not to garner enough votes, and the article on health requirements was to be modified for the ailing and half-blind PKB Chairman Abdurrahman Wahid.[127] As the latter, however, was disqualified for the presidency by the KPU because of medical reasons, and Akbar Tandjung lost the voting for the Golkar party nomination for the presidency, the ad hoc compromises in the law proved worthless, but the law remained as it was passed. As a result, critics accused lawmakers of sacrificing the public interest for short-term political gains during the legislative process.

## Notes

[1] Interview with Sembiring Meliala, PDI-P faction, 29 November 2002, in Jakarta.
[2] Interview with Iris Indira Murti, Golkar faction, 18 October 2001, in Jakarta.
[3] Interview with Dimyati Hartono, PDI-P faction, 16 October 2001, in Jakarta.

[4] Kurniawan Hari. "Golkar Asks Legislators to Honor Replacement Deal", *Jakarta Post Online*, 1 May 2004.
[5] Interview with Achmad Farial, PPP faction, 26 November 2002, in Jakarta.
[6] Interview with Achmad Farial, PPP faction, 26 November 2002, in Jakarta.
[7] For a more detailed analysis of the social profile of the Indonesian DPR in comparison with other parliaments in Asia see Rüland, Jürgenmeyer, Nelson and Ziegenhain 2005, pp. 163–89.
[8] "President's Husband Messes Up Political Order, Claims Critic", *Jakarta Post Online*, 28 December 2001.
[9] Interview with Achmad Farial, PPP faction, 26 November 2002, in Jakarta.
[10] Mochtar Buchori, "Goodbye, DPR! It's Been Nice Knowing You", *Jakarta Post Online*, 2 August 2004.
[11] "Legislators Admit to Accepting Gifts, Cash", *Jakarta Post Online*, 21 September 2001.
[12] Ibid.
[13] Mochtar Buchori, "Goodbye, DPR! It's Been Nice Knowing You", *Jakarta Post Online*, 2 August 2004.
[14] Interview with Muhaimin Iskandar, PKB faction, 15 November 2002, in Jakarta.
[15] Damar Harsanto, "Legislator Grilled Over Bribery", *Jakarta Post Online*, 4 October 2002.
[16] Fabiola Desy Unidjaja, "79 Legislators Urge Akbar to Resign", *Jakarta Post Online*, 17 September 2002.
[17] The decision of the Supreme Court was highly disputed. For instance *Jakarta Post* wrote that this decision "runs against the public's sense of justice … and brings into question the quality of the entire judicial system … Many Indonesians also see it as a serious setback in the fight against corruption", "Bulwark of Justice?", *Jakarta Post*, 13 February 2004, p. 6.
[18] The Indonesian saying for such proceedings is *dagang sapi*, literally meaning cow-trade.
[19] In the new election law passed in February 2003, the closed lists have been replaced by open lists.
[20] Interview with a DPR member known to the author in Jakarta.
[21] Kurniawan Hari, "Legislators Admit Ignoring People's Voices", *Jakarta Post Online*, 2 February 2002.
[22] "Voters Hope for Strong Leader, Survey Finds", *Jakarta Post Online*, 18 November 2003.
[23] Literally, the national movement for not voting for bad politicians.
[24] The complete list and details about the accusations in the Indonesian language can be found on <http://infid.be/Politisi%20Busuk-sosok.doc>.
[25] "Most Legislative Candidates Blacklisted By Movement", *Jakarta Post Online*, 2 January 2004.
[26] "Parties Dismiss List of 'Crooked Politicians' ", *Jakarta Post Online*, 15 March 2004.

[27] Interview with a DPR member known to the author in Jakarta.
[28] Interview with Tommi Legowo (CSIS), 23 October 2001, in Jakarta.
[29] Kurniawan Hari, "Legislators Admit Ignoring People's Voices", *Jakarta Post Online*, 2 February 2002.
[30] Fabiola Desy Unidjaja, "PDI-P Leader Fired, Tension Mounts in Party", *Jakarta Post Online*, 20 August 2003.
[31] Kurniawan Hari, "Legislators Admit Ignoring People's Coices", *Jakarta Post Online*, 2 February 2002.
[32] Kurniawan Hari, "Legislators Admit to Having Ignored their Constituents", *Jakarta Post Online*, 26 June 2002.
[33] Ibid.
[34] Ibid.
[35] Interview with Sembiring Meliala, PDI-P faction, 29 November 2002, in Jakarta.
[36] Interview with Aberson Marle Sihaloho, PDI-P faction, 22 November 2002, in Jakarta.
[37] Interview with Aberson Marle Sihaloho, PDI-P faction, 22 November 2002, in Jakarta.
[38] Interview with Achmad Farial, PPP faction, 26 November 2002, in Jakarta.
[39] Berni K. Moestafa, "RI's Democracy Held Hostage by Undemocratic Parties", *Jakarta Post Online*, 27 February 2003.
[40] Damanik Martian, "Tingkat Kehadiran Anggota DPR Masih Memprihatikan", *Kompas Online*, 27 December 2001 and "Anggota DPR 'Pembolos' Bisa Diberhentikan", *Suara Pembaruan Online*, 4 January 2002, <http://www.suarapembaruan.com/News/2002/01/04/ Nasional/nas02.htm>.
[41] Kurniawan Hari, "Legislators Continue Their Dismal Attendance Record", *Jakarta Post Online*, 12 June 2002.
[42] "Poor Attendance Puts House Behind", *Jakarta Post Online*, 11 June 2004.
[43] Kurniawan Hari, "Strict Penalties Needed to Boost House Performance", *Jakarta Post Online*, 17 June 2004.
[44] Tiarma Siboro, "Legislator Punches Minister", *Jakarta Post Online*, 9 July 2003.
[45] Tiarma Siboro, "Legislator Punches Minister", *Jakarta Post Online*, 9 July 2003.
[46] Mochtar Buchori, "Goodbye, DPR! It's Been Nice Knowing You", *Jakarta Post Online*, 2 August 2004.
[47] Moch. N. Kurniawan and Yogita Tahilramani, "Reasons Why Legislators Couldn't Care Less", *Jakarta Post Online*, 19 June 2002.
[48] Mochtar Buchori, "Goodbye, DPR! It's Been Nice Knowing You", *Jakarta Post Online*, 2 August 2004.
[49] Interview with Muhaimin Iskandar, PKB faction, 15 November 2002, in Jakarta.
[50] Interview with Jakob Tobing, PDI-P faction, 4 December 2002, in Jakarta.
[51] Interview with Sembiring Meliala, PDI-P faction, 29 November 2002, in Jakarta.
[52] Interview with Aberson Marle Sihaloho, PDI-P faction, 22 November 2002, in Jakarta.
[53] Kurniawan Hari and Tiarma Siboro, "Lawmakers Set to Endorse Controversial TNI Bill", *Jakarta Post Online*, 29 September 2004.

[54] Kusnanto Anggoro, "Perish the False Hope of Real Military Reform", *Jakarta Post Online*, 14 December 2004 and "Military Bill: No Significant Changes at the Front", Interview with Kusnanto Anggoro (CSIS), *Jakarta Post Online*, 6 August 2004.

[55] Kurniawan Hari, "House Factions Reject TNI Power to Take Preemptive Action", *Jakarta Post Online*, 7 September 2004.

[56] Kurniawan Hari, "Military Unlikely to Quit Politics: Experts", *Jakarta Post Online*, 30 September 2004.

[57] Fabio Scarpello, "Indonesia: Military's Big Role in Politics Reaffirmed By New Law", <http://www.etan.org/et2004/october/04-12/04tnilaw.htm>.

[58] Interview with Muhaimin Iskandar, PKB faction, 15 November 2002, in Jakarta.

[59] Kurniawan Hari, "Akbar Admits Law-making Flaws", *Jakarta Post Online*, 24 September 2004.

[60] These numbers were sent to the author via e-mail by a staff member of the DPR General Secretariat.

[61] Interview with Sembiring Meliala, PDI-P faction, 29 November 2002, in Jakarta.

[62] Mochtar Buchori, "Political Alienation and Antipathy Rules", *Jakarta Post Online*, 24 May 2002.

[63] Gado-gado is a traditional Indonesian/Sumatran dish, which comprises many different ingredients.

[64] Interview with Jakob Tobing, PDI-P faction, 4 December 2002, in Jakarta.

[65] Interview with Jakob Tobing, PDI-P faction, 4 December 2002, in Jakarta.

[66] Interview with Achmad Farial, PPP faction, 26 November 2002, in Jakarta.

[67] He said precisely: "You are no different from a kindergarten."

[68] "DPR, Malaysia Targets of Gus Dur's Gaffes", *Jakarta Post Online*, 19 November 1999.

[69] Before becoming President, Wahid was chairman of the *Nahdlatul Ulama*, an influential Islamic mass organization, since 1984.

[70] Syamsuddin Haris argued that the police and military faction — in contrast to their action on the first memorandum, which they supported — abstained this time since police and military feared violent clashes with militant Wahid supporters (Haris 2003, p. 107).

[71] Meidyatama Suryodiningrat, "The MPR and DPR: Scenes of Turbulence and Contention", *Jakarta Post Online*, 27 September 2004.

[72] Interview with Dimyati Hartono, PDI-P faction, 15 November 2002, in Jakarta.

[73] Interview with Jakob Tobing, PDI-P faction, 4 December 2002, in Jakarta.

[74] Interview with Iris Indira Murti, Golkar faction, 18 October 2001, in Jakarta.

[75] Greg Barton, "Indonesia has Fresh Chance with Democracy", *Jakarta Post Online*, 23 September 2004.

[76] "Abdurrahman Predicts Return to Authoritarian Rule under Megawati", *Jakarta Post Online*, 26 July 2001. In the same article, Wahid is quoted as saying that he believed parts of the military and other hard-line figures who played a major role in the repressive regime of Suharto were responsible for engineering his downfall, but did not specifically name anybody.

[77] On several occasions the president expressed concern about media coverage, which she deemed excessive. Police and military took generally tougher measures against anti-government protests.

[78] A copy of the letter was given to the author by the staff of the General Secretariat of the DPR.

[79] "DPR Tak Perlu Interpelasi Sipadan Ligitan", *Kompas Online*, 19 December 2002.

[80] Kurniawan Hari, "House Suspects Favoritism in Sukhoi Deal", *Jakarta Post Online*, 27 June 2003.

[81] Kurniawan Hari and Tiarma Siboro, "Probe on Sukhoigate to Start Next Week", *Jakarta Post Online*, 25 June 2003.

[82] Interview with a legislator known to the author in Jakarta.

[83] Interview with Sembiring Meliala, PDI-P faction, 29 November 2002, in Jakarta.

[84] "DPR minta alokasi dana pendidikan dalam RAPBN ditambah", *Suara Pembaruan Online*, 2 October 2000.

[85] This law, however, has not been implemented in the following years.

[86] Tiarma Siboro, "Govt, House Hope for More Transparency in TNI Budget", *Jakarta Post Online*, 13 September 2002.

[87] Muninggar Sri Saraswati and Tiarma Siboro, "TNI Asked to Explain Budget Irregularities", *Jakarta Post Online*, 19 September 2002.

[88] The highly unpopular measure of drastically raising the fuel prices were finally undertaken in 2005.

[89] Imanuddin, "Megawati and the Military", *Jakarta Post Online*, 22 May 2002.

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# 6

# THE PARLIAMENT BETWEEN 1997 AND 2004
## Changes and Continuities

The research time frame of this study comprised eight years — only a short time in the history of a parliament. The years between 1997 and 2004, however, saw tremendous changes in the Indonesian case. The DPR, Indonesia's parliament, has been both a subject as well as object of the transition process: A subject because it was actively involved in the regime change and the establishment of a more democratic order, and an object because the composition, status and functions of this institution were part of the deals in the debates on constitutional and legal change.

The end of the authoritarian *Orde Baru* marked a crucial turning point not only for the country, but for the parliament as well. After a year of transition with the authoritarian parliament, the free elections in June 1999 symbolized a new start for parliamentarism in Indonesia. The initial troubles with President Wahid and the constitutional amendment process resulted in a confrontation between parliament and the executive, which ended in a massive extension of power for the parliament. With the government of President Megawati Soekarnoputri since June 2001, parliament had to define its new role in the political system. After a period of non-cooperation during the presidency of Abdurrahman Wahid, parliament tried to find a new form of cooperation with the government and a better balance between legislative and executive. To attain this balance, the constitution needed further amendments to rearrange the relationship between the two state institutions, so that each of them could better fulfil their functions.

As outlined in Chapters 3 to 5, one of the main targets of this study was to assess the three major functions of parliament in the different periods of the transition process. This section will examine how each of the described functions has undergone great changes during the period of the research.

## REPRESENTATIVE FUNCTION

With regard to the representative function, the Indonesian parliament changed to a great extent between 1997 and 2004. The idea of representation, in theory, requires parliaments to act on behalf of the interests and opinions of a significant part of their constituencies. If the representative function is adequately fulfilled, parliament gains legitimacy in the eyes of the people. One question related to the representative function was to what extent the major social and political groups were represented in the DPR. Since the authoritarian *Orde Baru* offered only a limited pluralism, this was certainly not the case during the first research time frame between 1997 and May 1998.

Major interferences by the government to directly manipulate the composition of the DPR included:

- only three parties were allowed to participate in the general elections;
- all these parties were strictly controlled by the authoritarian government;
- undesirable candidates were dropped off the list;
- elections were manipulated in favour of the quasi-government party Golkar;
- recall of elected members of parliament who dared to voice dissent.

Thus the Indonesian parliament in this period cannot be seen as the representational body of the Indonesian people, but more as an extension of the authoritarian government seeking to legitimize its rule, both to its own citizens as well as to foreign countries. The interests and objectives of large parts of the society were not represented and the responsiveness of the legislators was very limited. The increasingly autocratic behaviour of the president, growing government control and manipulation of the electoral process, as well as the recalls produced an increasingly "exclusionary ethos" (King 2003, p. 41) in parliament. More and more people felt underrepresented as the degree of exclusion increased with the strongest Golkar victory of the *Orde Baru* in the 1997 general elections. Additionally, the orchestrated removal of the Megawati wing in PDI from parliament in 1996 created a situation which endangered the authoritarian rulers since Megawati's

ever-growing mass of supporters felt betrayed and questioned the legitimacy of the parliament. In conclusion, the representative function of the DPR in the last year of the *Orde Baru* was not at all adequately fulfilled, since it was mainly staffed with cronies and opportunists.

After the resignation of President Suharto in May 1998, the composition of the DPR remained nearly unchanged. Despite their increasing popularity among the Indonesian people, hard-line reformers and opposition forces were not represented in the DPR. Therefore, the parliament had an enormous lack of legitimacy when it had to decide on important steps to move the country toward democracy. Especially during the MPR session in October 1998, the missing input from pro-democracy forces combined with the military violence against protesting students "reinforced the impression of an elite trying desperately to hold onto power" (Schwarz 1999, p. 375ff.). Still, some important changes were made by reform-minded legislators. Under public pressure, they were responsible for a democratization of their respective parties increasing slowly the representation of diverse interests within the parties. Of utmost importance was the transformation of the former quasi-government party Golkar, which at this time still controlled nearly seventy-five per cent of the seats in the DPR, into a "normal" political party. It was willing to participate on equal terms in a competitive democracy.

After the free and fair elections in June 1999, the number of Golkar representatives sunk to a quarter of the mandates in the parliament. As this figure suggests, the composition of the DPR changed dramatically. Parliament became now a realistic "mirror" of the political landscape. The parties of the main reform-oriented political leaders — Abdurrahman Wahid, Amien Rais and Megawati Soekarnoputri — emerged and became major forces in parliament.

One of the main problems of representation in the DPR after 1999 was, however, the indirect election of the new legislators by the voters. Parliament had decided in favour of a proportional election system. This arrangement only allowed the voters to choose between different party lists, the connection between citizens and their representatives was thus weak. Effectively, the party leadership had a huge say who got a seat — and the voters only to a limited degree.

In this period, parliament also provided the necessary forum for all major social groups, so that none of them felt excluded from the reform process. One of the first democratic values after individual empowerment is inclusion, bringing everyone together to talk about many issues. So, for example, the inclusion of moderate — and even to some extent more radical — Muslim groups in the deliberations of the DPR prevented them from becoming

powerful veto forces. If such groups do not get an opportunity to express their demands, they may turn to extra-parliamentarian radicalism and thereby obstruct the democratization process. One of the reasons for the relatively good prospects for democratic consolidation in Indonesia lies in the broad inclusion of the various heterogeneous groups in the decision-making processes of the parliament.

The public image of parliament was very low in the authoritarian phase, but increased enormously after the free elections of 1999. While people, in general, did not feel they were being represented in the *Orde Baru*, the fair and pluralistic elections of 1999 gave the newly elected legislators a high legitimacy and support from the people.

After a few years, however, support declined dramatically when parliament did not or perhaps could not fulfil the people's high expectations. The decreasing public trust in parliament has less to do with a disappointment concerning the representative function of parliament than with complaints about improper behaviour of the legislators. Corruption cases and reports about the laziness and lack of competence of legislators spurred public resentment against parliament.

An important aspect of the analysis of the representative function is the role of non-elected members of parliaments. In the Indonesian case, a certain number of parliamentary seats were reserved for the military and police. From 1997 until 1999, these groups controlled seventy-five mandates. In 1999, this number was reduced to thirty-eight where it remained until 2004. The debates and actions about the abolition of these reserved seats stressed the efforts of the Indonesian political elite in the process of improving the representative function of the DPR. Dealing with the reserved mandates reflects the democratization process as a whole. After initial reluctance, step by step, parliament eventually ended the parliamentary representation of the military and police, potential veto forces. When all seats in parliament are determined by a free decision of the voters, the representative function is greatly improved.

## OVERSIGHT FUNCTION

In the *Orde Baru*, parliament exercised virtually no control over the government. Since most of the members of parliament received their seat as a reward for their loyalty to Suharto, other Golkar leaders and the military leadership, the DPR members did not challenge the government's policies in general. The will to control the potential errors and abuses of executive power is considered a fundamental task of parliaments. Theoretically, parliamentarians

should act as guardians of the ordinary people's interests against the executive policy-makers. During the first research time frame between 1997 and May 1998, the Indonesian parliament, due to its obedient composition, failed to seriously challenge the Suharto government. As described in Chapter 3, however, in the last months of the *Orde Baru*, especially at the end of April and May 1998, the DPR started to — in an unprecedented and surprising step — exercise its oversight function more seriously. When President Suharto's star was fading amid the ongoing economic turbulence and public unrest, his previously loyal supporters gradually distanced themselves from the authoritarian ruler. As he lost more and more support within his own party, Golkar, and the military leadership, the legislators also became more critical.

In the last months of the authoritarian order, parliamentarians gradually distanced themselves from President Suharto. As shown in Chapter 3, the opposition consisted particularly of soft-liners in Golkar but also in the other two smaller factions. This does not necessarily mean that the legislators suddenly changed their ideological stances, but more saw the writing on the wall and therefore decided to switch sides. The mass demonstrations and the growing dissatisfaction with Suharto among the people certainly also had some impact on the DPR members. Finally, in a rapid process in May 1998, parliamentary control over the president contributed to his downfall. The declaration and the letter of the DPR leadership on 18 May 1998, issuing an ultimatum for the resignation of Suharto and indirectly threatening an impeachment, was one of the most important reasons for the end of Suharto's rule.

His successor, Bacharuddin Jusuf Habibie, had a difficult time with parliament. The dominating Golkar faction was split in various groups with some of them very critical toward him. Parliament as a whole thus exercised its oversight function more comprehensively. The involvement of President Habibie in the Bank Bali scandal, for example, was discussed extensively in parliament and gave the incentive for the creation of an investigation committee.

However, since the composition of the DPR was so dominated by Golkar, one could have expected less oversight by the parliament. The rivalries in Golkar, fuelled in part by many legislators seeking to survive politically by criticizing the president, led to some maneuvres against Habibie. Also, the two small factions represented in the DPR, PPP and PDI, presented themselves as reform-oriented, progressive forces in order to gain public support for the upcoming elections. Therefore, the oversight function by the parliament during the presidency of Habibie was generally better than in the *Orde Baru*, but not as comprehensively fulfilled as by its successor.

The parliament elected in the free and fair elections in June 1999 took the oversight function very seriously. Some critics even say it overstretched this function. When President Wahid lost the confidence of nearly all legislators, he had no real chance to stay in office in view of the immense political pressure from all sides. He grossly underestimated the oversight function of the DPR and was haunted with various investigative committees. Parliament concentrated all its activities on the impeachment of President Wahid and was successful. To avoid a similar power struggle with the DPR, President Megawati Soekarnoputri tried to avoid direct confrontation with the parliament. The legislators, however, were eager to find faults and irregularities in the Megawati administration. The so-called *asramagate* and *sukhoigate* scandals are examples of the efforts of the parliament to strongly exercise its oversight function. Despite widespread assumptions that these cases were exploited for political gains, they nevertheless show the necessary critical attitude of the parliament toward the government.

Budget control by the DPR was virtually absent during the *Orde Baru*. This remained largely the same during the presidency of Habibie when the DPR made only minor changes. Not much changed in the years from 1999 until 2004, when the government's budget proposals were only modified slightly. However, the deliberations brought about more scrutiny of the budget by the DPR. Some legislators criticized certain economic assumptions of the government and proposed changes. Compared to other parliaments in developed democracies such as the U.S. Congress or the German *Bundestag* though, the Indonesian DPR was rather weak in controlling the government through their budget function.

The elective function of parliament has been subsumed under the oversight function in the framework of this study. During the rule of President Suharto, the DPR did not have a real possibility to select or elect alternatives. Unanimous acclamation of candidates proposed by the president was the usual procedure. In March 1998, the DPR as part of the MPR was responsible for the election of Suharto to his seventh term as President of the Republic of Indonesia. That President Suharto still controlled the elective actions of the MPR at this time can be seen by the unanimous election of his candidate, B.J. Habibie, as new vice-president.

After the resignation of Suharto, the DPR still had little influence on the appointments made by President Habibie. He named, for example, Wiranto as ABRI leader without asking the DPR or the MPR. The first time that the DPR as part of the MPR really exercised its elective function was in October 1999, when it decided between two candidates for the vacant position of president.

The election of Wahid gave a lot of power to the DPR. The new president in fact became dependent upon the support of parliament. In the following constitutional amendments the MPR gave more and more oversight power to the DPR. By making the approval of the DPR obligatory for appointments of high-ranking administrative and military positions, the DPR could strengthen its role by limiting executive powers. During the research time frame between 1997 and 2004, the importance of the elective function of the DPR changed dramatically. It moved from constitutional and real impotence to a position as one of the most powerful and decisive functions of the parliament.

In the context of oversight, the DPR has swung from an extremely subservient attitude to a very intrusive one. If the parliament were compared to a watchdog, the *Orde Baru* parliament would be like a lapdog, hardly leaving its doghouse. Even if it heard some suspicious noise, it rarely barked, preferring Suharto's doggy-treats to any confrontation. Under the presidency of Habibie, the watchdog grew some teeth and barked now and then, but it was still rather tame compared to the aggressive, full-grown animal of the Wahid and Megawati presidencies. The latter is aware of its power, commands respect, barks day and night, often too loud and for no good reason. For democracy, however, a hyper-vigilant watchdog is better than a negligent one.

## LEGISLATIVE FUNCTION

During the *Orde Baru*, the DPR had no chance to impact the legislation process. It showed no initiative to propose bills and made no significant changes to government bills.

Not everyone views the parliament after the regime change as an improvement upon the *Orde Baru* DPR. Ex-legislator B.N. Marbun, for example, stated that the *Orde Baru* parliamentarians were better disciplined, more capable and better qualified. He argued that the DPR worked better during the *Orde Baru* than is generally assumed. According to him, the quality of the laws was better and the argumentation in the sessions was more skilled.[1]

Admittedly, the parliamentary discipline in the *Orde Baru* was higher and the generally proficient professional education of the legislators led sometimes to certain sophisticated debates. However, the DPR had no real impact on legislation.

Marbun's statements can be seen as a sign of deep disappointment with the current legislative performance of the DPR. All other interview partners as well as nearly all publications draw a different picture of legislative work of

the DPR in the *Orde Baru*, thus it can be assumed that the legislative performance of the DPR in the *Orde Baru* was rather bad.

The MPR decrees from October 1998 were the turning point, giving the DPR a stronger role in the legislation process as well as in the whole political system. In the following months, the DPR discussed and passed the three political laws (Party Law, Election Law and the Law on the Political Institutions), which were absolutely necessary for free parliamentary elections in June 1999. Political and democratizing reforms facilitated by parliament thus have played a major role in the phase after regime change.

Parliamentary laws contributed largely to institution-building in the post-Suharto political system, which was as a result becoming more democratic. The changes were carried out by constitutional amendments passed by the MPR. The all-dominant position of the president among the other state institutions was weakened and the legislature's position strengthened in the first two rounds of the amendment process. In the third and fourth amendments, however, presidential power among the other state institutions was expanded, especially by the decision for a direct election of the president by the people instead of the MPR.

As these crucial decisions for the framework of the future political system absorbed much time and concentration, other important legislation was neglected by the DPR. Faced with an enormous need for legal change after the long authoritarian rule, parliament passed too few laws. Another factor that hindered legislative work was a parliament overly preoccupied with internal power struggles and strengthening its power against the executive. In concentrating on these tasks, it neglected its less spectacular task as law-making body. According to legislators themselves, the professionalism of the legislators in their core task is very often not sufficient.

A general criticism is that many laws which were passed are flawed. The admission of DPR Chairman Akbar Tandjung in this context indicates the accuracy of such complaints. Laws often contradicted each other or covered a topic inadequately. Even when parliaments pass considerably well-balanced legislation, another problem might be implementation. When the passed laws are not applied adequately by a corrupt bureaucracy and controlled by an independent and efficient judiciary, the real impact of parliaments and their legislation in the democratization processes is at stake.

## ASSESSMENT OF THE PARLIAMENT'S FUNCTIONS

As explained above, the fulfilment of the functions of the DPR changed drastically in the few years between 1997 and 2004. While the last *Orde Baru*

parliament can be rated as negative in regard to all three functions, the parliament during the presidency of Habibie made some improvements in the fields of oversight and legislative function. Finally, the parliament elected in 1999 was much better concerning the representative function, very powerful and effective in its oversight function, having only some deficits related to the legislative function. Table 6.1 gives an overview of these results at a glance. The "—" symbol means that the DPR fulfilled the specific function rather inadequately, the "0" symbol stands for an ambiguous performance, while the "+" symbol indicates a rather good performance.

**TABLE 6.1**
**Development of the DPR's Functions in the Democratic Transition Process**

| *Periods of Democratic Transition* | *Representation* | *Oversight* | *Legislation* |
|---|---|---|---|
| **Liberalization Period** (Presidency of Soeharto) June 1997–May 1998 | — | — | — |
| **Democratization Period I** (Presidency of Habibie) May 1998–October 1999 | — | 0 | 0 |
| **Democratization Period II** (Presidencies of Wahid and Megawati Soekarnoputri) October 1999–October 2004 | + | + | 0 |

*Source:* Assessment by the Author.

As the parliament elected in 1997 remained in office during Periods I and II, the representative function showed no improvement. The regime change, which took place between Periods I and II, was responsible for the differences in the two other functions. The free and fair elections of 1999, which drastically changed the composition of the DPR — reflecting the choices and preferences of the Indonesian voters — led to a strong increase in the representative function. The changing political conditions resulted not only in an increase of power for the parliament, but also in a better fulfilment of the oversight function. As explained in Chapter 5, legislation remained a source of concern and did not improve as many had hoped. The assessments of the third period, however, should not give the impression

that the three major parliamentary functions are at present managed effectively by the DPR. The "+" values which indicate a rather good performance have to be seen in the context of historical comparison between the years of 1997 and 2004.

## PARLIAMENT AND TRANSITION THEORIES

In the first period of a democratization process, the liberalization period, the actor-oriented democratization theories describe the ruling, authoritarian elites as launching small and controlled reforms in order to get more public support and legitimacy for their regime. In Indonesia prior to May 1998, however, very few of these reforms were put into effect, leaving the authoritarian *Orde Baru* nearly intact until Suharto's resignation.

The expected splits and divisions between the authoritarian elites were more clearly visible. Until March and April 1998, they largely remained under the surface, but then suddenly erupted. The Indonesian parliament provided one of the clearest examples of this phenomenon. The main causes, namely interior and exterior crises, were in accordance with scientific democratic transition literature. The Asian financial crisis of 1997–98 had a significant impact on the downfall of the authoritarian regime as well as internal elite struggles, which were also fought out in the DPR. The often-described split between hard-liners and soft-liners took place in parliament as well. Particularly the dominant Golkar faction — but also parts of the other factions of PPP, PDI and ABRI — was divided into reform-oriented legislators and staunch supporters of an authoritarian system of government. Opposition groups among prominent political leaders and student activist groups emerged but only had limited direct influence on parliamentary decision-making, since they were not represented in parliament and stood only for election in June 1999. However, their impact on the legislators should not be underestimated as they influenced the agenda and the decisions of parliament. This impact can be seen, for example, in the MPR decrees of November 1998.

Parliaments tend to dominate the political systems in the power vacuum immediately after the regime change. As Attila Ágh noted for Central and Eastern Europe, this is a typical phenomenon of transition processes. According to him, an extreme form of parliamentary dominance in the initial stages of a new democracy led to an "over-parlamentarization", a time when parliaments — and the parties active inside them — become so dominant as to appear to be the only venue. At this time, parliament dominates the other political actors. However, after democracy becomes

more established and the other political actors, especially governments, recover from their temporary weakness, over-parlamentarization declines and finally disappeares completely (Ágh 2003, p. 43).

Indonesia witnessed a similar phenomenon during the initial stages of the presidency of Wahid, when parliament dominated the political scene. DPR Chairman Akbar Tandjung stated that, despite the opinion of some experts, who declared that the Indonesian system of government until 2004 was overly dominated by the legislature, it was actually very balanced. He agreed that the DPR then was very strong, naming the oversight function as its strongest function. If the parliament had not been strong, the government would possibly have extended its powers. He elaborated that Indonesia needs to have a stronger government and at the same time a strong parliament.[2]

Also in accordance to standard scientific democratic transition literature, the negligence of the authoritarian DPR left a heavy burden for its more democratic successor. Traditions and structures survived. Legislator Eros Djarot (PDI-P), for example, wrote that "the mentality and the mind-setting from the *Orde Baru* paradigms" were still prevalent (Djarot 2000, p. 89). Though the legislators should have completely transformed parliament, many internal arrangements were left unchanged. The DPR elected in 1999 inherited an institution still marked by a long tradition of *Orde Baru* decision-making mechanisms. Like most countries in Central and Eastern Europe, the long dominant government party — in Indonesia Golkar — had to be integrated into a new pluralistic and competitive multi-party system. This challenge was met in all cases without great difficulties, albeit with major impacts on the political culture and the personal composition of the legislatures. These parties and their legislators became a symbol for the integration of authoritarian elites in a more democratic political order. By integrating and not persecuting these former elites the chances for a totally fresh new start — if there were any — were thus missed.

After the regime change, in the democratization period, parliaments should, according to mainstream transition literature, remove undemocratic residues from the authoritarian regime and thus create a more democratic political order. Additionally, parliaments should democratize their own internal rules, procedures and decision-making processes. As explained in Chapters 4 and 5, the Indonesian parliament incrementally removed the undemocratic regulations dating from the *Orde Baru*. Of particular importance to achieve this goal was the redrafting of the laws on political parties, elections, the composition of the parliamentary bodies, and the election of the president. The future role of the military — once dominant in the authoritarian regime and now a potential veto player — was also deliberated and its political role

was reduced step by step. The internal decision-making processes within the DPR were adjusted to more democratic standards. Beyond these formal — and rather small — changes in the Standing Orders, what mattered most was the consequent implementation of the newly created and the previously existing rights of parliament.

The Indonesian parliament developed into an institution which has many similarities with its counterparts in established democracies. However, its composition (e.g., reserved seats for the military) and behaviour reflected the political reality of the country. This means that the DPR did not completely transform to the classical model of a fully-fledged parliament as has been observed in many other countries at a parallel stage of the democratization process.

The development of the Indonesian parliament was shaped by the specific actor constellations and their interactions. As in other democratization processes, crucial decisions were often made in the absence of clear constitutional rules and with improvised procedures (Olson 1994*b*, p. 127). As the "rules of the game" and major constitutional questions had not been settled directly after the regime change, parliament had to deal with these issues, which were decisive for the development of the democratization process. After 2004, it can be expected that the public policy disputes in the DPR will be narrower in scope and not attract as much attention.

Between 1998 and 2004, however, like in the democratization processes in Southern Europe (Spain, Greece and Portugal) in the 1970s, the Indonesian parliament was the central site and the political parties represented within were the major actors of democratic transition. It is, however, not clear if parliament will contribute positively in the third stage of the democratization process, the consolidation period.

According to O'Donnell and Schmitter, a transition is over "when actors have settled on and obey a set of more or less explicit rules defining the channels they may use to gain access to governing roles, the means they can legitimately employ in their conflicts with each other, the procedures they should apply in taking decisions, and the criteria they may use to exclude others from the game" (O'Donnell and Schmitter 1986, p. 65). Indonesia has not yet reached the end of the transition process but is still in the beginning of the period of consolidation. Some authors regard the political system of Indonesia as a "hybrid regime" or a "defective democracy" (Schuck 2003). They argue that ongoing military influence and endemic corruption impede further democratic progess and that the country might stagnate and remain in the condition as it currently exists. Legislator Jakob Tobing (PDI-P), however, saw some reason for hope on the horizon, but tried to remain

realistic: "I am not a dreamer, therefore I expert the democratization process will not finish soon and will take more time and energy."[3]

## PACTED TRANSITION

It is a common phenomenon in democratization processes that changes in political culture develop slowly and over time. In this context, Indonesia is no exception. The parliament is still very much influenced by experiences and practices inherited from the Suharto era. Also, some politicians who started their careers in the *Orde Baru* survived the turbulent times of political change. During the first five years, no "new star" arose out of the DPR to become a sign of hope for further reform. Instead, well-known personalities who were already active in responsible positions during the *Orde Baru* dominated the first years of the *reformasi* parliament and Indonesian politics in general. A critical observer compared Indonesia's new political order with a game of musical chairs with the same old faces rotating and subverting the system.[4]

The continuities also concern the political culture within the DPR. For more than three decades, Suharto's authoritarian regime "stunted the skills needed for democratic debate and competition" (Emmerson 2004, p. 105). Therefore, the freely elected parliament in 1999 had to make a new start, but referred to old political traditions. Parliament inherited not only the building in Senayan, but adopted most of the rules of procedure of its authoritarian predecessors. The reform process did "not change the underlying structure and culture of the political elite" (Katyasungkana 2000, p. 260). These continuities gave the impression of a smooth and incremental transition. A radical break with the authoritarian past did not happen.

Nevertheless, legislator Meliala Sembiring (PDI-P) stated that he sees no continuity between the old and the *reformasi* parliament, because everything was different. For him, every parliamentarian has changed his attitudes.[5] On the one hand, Sembiring is right, as there were many important differences between the two parliaments. On the other hand, his statement that there were no continuities at all is misleading. Personal and strong structural links bound the two parliaments together. What matters most, though, is the enormous influence of the authoritarian regime on the political culture within DPR.

Such continuities are typical for a "transplacement" (Huntington 1991, p. 114) or pacted transition, whereby the regime elite and the opposition negotiate a transition to democracy jointly. Such a pact implies that both sides give their tacit consent to a negotiated transition. Both sides make

certain concessions as part of the pact, in their own interests and in those of the new democracy. The regime change in Indonesia in the years after 1998 must be categorized as such a pacted transition.[6] In such processes, parliaments can play a major role when a political transition does not involve revolutionary changes and a fundamental new start, but incremental changes of the institutional set-up of the political system.

In Indonesia, the transition process was mainly based on a series of strategic compromises among the ruling and the moderate opposition elites. The former powerbrokers of the *Orde Baru* had to deal with moderate opposition leaders such as Megawati Soekarnoputri, Abdurrahman Wahid and Amien Rais. The reform movement on the streets had some impact on their decisions, but never gained much influence. The heterogeneity and the organizational weakness of the radical opposition "allowed the bulk of the old governing elite to abandon Suharto, as a concession to the societal upsurge, yet retain power" (Aspinall 2005, p. 270).

The democratization process included nearly all of the former and the emerging elites, who after Suharto's resignation saw no alternative to supporting peaceful and constitutional procedures in order to maintain their political influence. As a result, parliament became the arena for negotiations and bargaining. In a comparative perspective, parliaments only played a major role in democratization processes where pacted transitions led to incremental changes of the institutional set-up of a polity (Rüland, Jürgenmeyer, Nelson and Ziegenhain 2005, p. 273). This can be seen in the cases of Indonesia analyzed in this study and in most democratic transition processes in Central and Eastern Europe in the 1990s. Legislatures have a limited role in the process of democratization if the democratic transition took place as a "transformation from above" or a "replacement".[7] In the regime change in the Philippines in the 1980s, in Thailand in the 1990s, or in most Latin American cases, parliament was hardly involved since the type of transition was transformation, either a "transformation from above" or a "replacement". Parliaments thus generally have a greater role during democratic transition if regime change is incremental or pacted, while in other types of regime change their role is very limited.

In the Indonesia case — and in contrast to other transition processes — political power did not pass directly to the opposition, but in part remained within the former regime. Political opposition was moderate and "at least at the fringes of the political establishment" (Aspinall 1999, p. 145). The four most prominent opposition figures Amien Rais, Abdurrahman Wahid,[8] Megawati Soekarnoputri and the Sultan of Yogyakarta had close relations with the *Orde Baru* elites. They strongly supported a peaceful and negotiated

transition (*reformasi damai*). By calling for Suharto's removal as the main target, the opposition offered the ruling elite, especially the military, a possibility to extricate themselves from the difficult situation.

As the debate involved most elite political actors, the compromises reached had to accommodate the vested interests of the elites with an authoritarian past and the reform-oriented forces. While the former sought to prevent sweeping reforms and to preserve their power in the new political order, the latter were in favour of more fundamental changes in order to broaden their material and political power.

Other political interest groups such as the military, nationalists, Muslim hardliners and big business had to be included in the national compromise. As can be seen in the slow constitutional amendment process, which took four years, and some major laws passed in the DPR the compromises among the political elite were not radical and brought only incremental change toward democracy. Nearly every "policy process involved intense bargaining and resulted in compromises and half-hearted reform" (King 2003, p. 2). For bargaining and finding compromises an institution with public legitimacy is needed.

While in many transition processes in Eastern and Central Europe "round tables" were created in order to define the new rules of the political game, in Indonesia the parliament elected in the 1999 elections was used as such an instrument. Parliaments are therefore most likely more important in pacted transitions since they can bargain compromises between the former authoritarian elite and moderate opposition elites. The whole democratization process was a long-term compromise between the old elite and new, more democratic forces. Parliament was one of the major places, if not the most important, where these compromises were reached and ratified. The DPR transformed into an arena of political contestation between contending elites. As such, the institution as a whole gained power, not only the actors within it.

During the first years of the reform era, however, the actor structure of parliament did not change completely. Even though the social base of the politically powerful elite has expanded a bit (to include elements of a new middle class) from Suharto's political clan, it is still an oligarchy of sorts. What evolved after the general elections of 1999 was a bargain between the parties representing the powerful political forces and leaders.

It is thus justified to speak of an

> unwritten agreement among the party leaders to define a new elite, united by their access to the spoils of power and by the spectre of mass

> politics, of "people power". A similar process occurred in the early New Order when lines were drawn between insiders and outsiders. The outsiders may have helped bring the new government to power, but they had to be told when enough was enough (Bourchier 2000, p. 31).

The elites, older and newer, remained "largely insulated from wider civil society pressure in spite of the renewed vibrancy of political life" (Hadiz 2000, p. 12). Such a segregation between social groups and the political elite, however, is not a good sign for democratic consolidation.

## PARLIAMENT AND CIVIL SOCIETY

Fifteen years after the regime change, most of the countries in Central and Eastern Europe have completed the process of democratic institutionalization. The professionalism of legislators increased markedly, which also contributed to an enormous output of acts and decisions (Agh 2002, p. 46ff.). These countries, most of them having joined the European Union, are firmly en route to democratic consolidation. Despite these advances, political analysts still note an underdeveloped civic culture in many of these political systems (Kraatz and Steinsdorff 2002).

In Indonesia, only very few years have passed since the resignation of Suharto and the way to democratic consolidation is still long and difficult. The institutionalization has advanced to some extent as well as the performance of the national parliament. What is not surprisingly missing, is a civic culture, one of the preconditions of democratic consolidation. Another, perhaps more difficult process of cultivating a strong civic society also must be accomplished. Consolidating democracy depends not only on institution-building, which can be rather simple in comparison to building a nation based on democratic principles. As a critical observer noted, the Indonesian reform process "has focused on procedural and institutional problems and has not been directed at more substantial change towards democratization and the empowerment of civil society" (Katyasungkana 2000, p. 261).

Along these lines, DPR Chairman Akbar Tandjung admitted that the DPR was still in the middle of a learning process because democracy and parliamentarism were not deeply rooted in Indonesian society. To have a democratic political system, according to him, not only properly functioning political institutions were needed, but also a democratic political culture (Tandjung 1999a, p. 297ff.).

Democracy, ultimately, must be about democratic attitudes, values, behaviour and traditions in large segments of the society. The socio-political

substructure of democracy can be stabilized when political institutions "enjoy an abundant degree of trust" (Merkel 1998, p. 61). Parliament, as one of the most important institutions in a democratic political system, must therefore be embedded in a civic and democratic political culture to function effectively.

When in Central and Eastern Europe the establishment of a civic culture is still anemic after an even longer period of time (Smolar 1996, p. 34; Machos 2002, p. 83), one cannot expect Indonesia to have a fully developed culture of civil society only a few years after four decades of authoritarianism. Democratic consolidation unavoidably needs a lot of time. Journalist Endy M. Buyuni concluded: "If we have not made significant changes in the [area of developing civil society], it is because such changes take time. Furthermore, it is not only politicians who must change. Voters too must also go through this process, because, ultimately, they determine the outcome of a democratic election."[9]

In the context of developing a civil society, aware of its democratic rights and prepared to engage in politics, the legacy of the long authoritarian rule and its inherent depolitization strategy are still prevalent — not only among the ordinary citizens but also among the political parties.

> For decades, people learnt that the only way to solve conflicts was through violence; that the only way to reach decisions was monopolizing power; that the only way to gain promotion was by manipulating connections; and that the only way to conduct politics was through patronage. Many people today simply do not know how to construct programmes and important principles, build and educate constituencies around political issues, lobby for their interests, engage the public in debate, produce alternative public policies, or solve conflicts peacefully (Antlöv 2003, p. 75).

Political awareness among the ordinary Indonesians is still low. Participation in political organizations and NGOs is very limited, largely due to material poverty and an only rudimentary education. Traditions of obedience towards authority, which are still typical for larger segments of the Indonesian society, are not fruitful for the development of the social society. However, interest in political developments at the grassroots level is — compared to other developing countries — surprisingly high, something that is also reflected in the high voter turn-out.

The widespread politicization which immediately followed the transition in 1998 was a genuine opportunity to educate and facilitate an understanding of democracy. As in many other transition processes, this opportunity faded away and the public has increasingly become more disillusioned. When the

"euphoria of democracy swept through Indonesia there were many high expectations, but when these expectations were not met and conditions did not improve, disillusionment with the democratic government grew".[10] The development of a civil society which is interested in national and local politics and concerns itself with general social and political development has stagnated. This is due in part to the aforementioned growing disappointment among the public. Parliament and the political parties within contributed little to promote democracy at the grassroots level, but rather added to the general disillusionment.

In the eyes of many Indonesians, the introduction of democracy was related to expectations of material gains. In the meantime, it is fair to say that for the majority of Indonesians, life did not get better in the period leading up to the year 2004. More people were seeking work and millions more had fallen into poverty. Even most salaried, middle-class people had not seen their real income levels return to the level they were at the time before the great financial crisis of 1997–98, which marked the end of the authoritarian times.

Additionally, emerging violent regional conflicts and a sharp rise in the crime rate have not contributed to an improvement in the daily life of many Indonesians. If the reform process has "afforded the nation the right to freedom of expression and the right to form associations, it has miserably failed to protect the people's right to freedom from poverty and fear. Many people would trade a little of their freedom for a little more prosperity and security; hence the longing for a return to a Suharto-type ruler."[11]

The disillusionment with democracy has led to a comeback of those who were seen as guarantors of law and order, especially the armed forces. The military campaign launched in Aceh in 2003 and 2004 was "the clearest example of how the civil society camp has lost its grip. The fact that the majority of the nation support[ed] the military operation in Aceh, an operation that violate[d] the principles of civil society, tells us that the spirit of *Reformasi* is waning among the people."[12] The parliament was to some extent responsible for the growing disappointment among the people, but to state that it failed to contribute toward the creation of a civil society is exaggerated. Its shortcomings may not have set a good example, but many other factors — among them most prominently the economic recovery — have a more decisive impact for the development of civil society.

Legislator Achmad Farial (PPP) argued along these lines, declaring that "democracy was introduced too fast in Indonesia. That was an important mistake. It would be better to develop democracy much more slowly. The fast

process was not supported by the people. Democracy could only be reached, when every Indonesian had enough to eat, the economy was functioning well and the law system was in good condition."[13]

Jakob Tobing from the PDI-P faction took a different stance, admitting that, of course, the constitutional amendments were a transplantation of Western values of democracy on the Indonesian political system. But it was necessary to do this transplantation, as an evolutionary way would have lasted too long. He elaborated that "the political elite had to make this transplantation of Western democratic values with a top-down approach, otherwise it would not work. The Indonesian society is aware of this and supports it. Even people in the villages expect that modernization and democracy become the Indonesian 'way of life'."[14]

Tobing's optimism is necessary. Otherwise the whole democratic political system is in danger, when electoral processes and representative structures have been imposed on political structures that lack a firm and stable basis of support for democratic principles. Therefore, it is of utmost importance for the consolidation of democracy to develop a strong civil society conscious of its political rights.

## MAIN DEFICITS OF DPR BETWEEN 1999 AND 2004

Until the constitutional amendments of 2002, the status and position of the DPR was ambiguous, since the constitution provided insufficient regulations. As explained in Chapter 5, the system of government between May 1998 and September 2004 was neither a pure parliamentary nor a pure presidential system of government, which led to confusion about the role and function of the major state institutions among the involved actors.

Additionally, the proportional election system and the effectively missing electoral threshold gave smaller social constituencies the chance to obtain parliamentary representation. The Indonesian election system led to the appearance of more than twenty parties in the DPR after the 1999 elections, a large majority of them with only one or two parliamentarians. On the one hand, the election system encourages a more complete representation of social groups and interests, on the other hand, it is responsible for an extreme fragmentation of parliament.

Even when the twenty-one parties in the DPR merged to become nine factions, decision-making is often a difficult process. Conflicting opinions among and within these factions led to time-consuming and often inefficient debates and decisions.

One of the main points of criticism of the Indonesian people is the behaviour of the political parties within parliament. From 1999 to 2004, the political parties had a dominant role in Indonesian politics since they — and not the population — elected the government. As most parties sought to become part of the government, it is very difficult to differentiate between parties supporting the government and the opposition. In order to build a government coalition, parties are involved in extensive horse-trading for positions, ministerial posts and even the presidency. A good example was the election of President Wahid, whose party PKB got only eleven per cent of the seats, in October 1999. At the same time, PDI-P Chairwoman Megawati Soekarnoputri was elected as vice-president, Golkar Chairman Akbar Tandjung as DPR speaker and PAN Chairman Amien Rais as MPR speaker. None of these parties had a clear majority within parliament as a result of the proportional election system. Therefore they resorted to backroom dealing. As shown and often criticized, the DPR is regularly plagued by struggles for short-term interests.

The Indonesians viewed these maneuvres rather critically because they felt powerless in these processes. All major political parties are dominated by a strong leader or at least by a dominant leadership group. They have "neglected the development of institutional mechanisms to produce policy-oriented programs" (Mietzner 2001, p. 41). Therefore, no voter really knows what the parties will do after being elected. Indonesia's political parties are highly centralist in their organization, leaving all decisions to the party elites in Jakarta. In addition they have no regional substructures to communicate with possible voters and are thus only accessible for the citizens during election times.

As described in Chapter 5, many members of the DPR are not well prepared to meet their demanding tasks. To be a legislator in contemporary Indonesia with all its complex and problematic difficulties is an arduous duty. To perform well, one should expect a full-time concentration on legislative tasks. One should have some expertise in your committee's fields and acquire at least some skills in the legislative process. At the same time, a legislator should be in good and regular contact with his constituency. Unfortunately, such legislators exist only rarely in the Indonesian parliament.

As already described in Chapter 5, committee and plenary sessions are haunted by the very poor attendance of legislators. This demonstrates the lacklustre attitude of many legislators towards detailed and technical committee work. According to media and NGO reports, which counted the attendance rate of legislators, many legislators have a poor record. Very often sessions are delayed due to a lack of a quorum.

Another and even more troublesome problem is the widespread corruption in parliament. Corruption leads to a loss of legitimacy and credibility among the population and gives a bad example to the public. Because corruption makes transparency and accountability impossible, it hinders the establishment of a democratic order. Corruption, however, is a widespread phenomenon in Indonesian society. In 2004, Indonesia was rated 133 among 145 countries in the "Corruption Perceptions Index" of the international NGO Transparency International.[15] In this context parliament is no exception among equally corrupt judges, business executives, policemen and public servants, neither is it able to claim the moral high ground.

Unfortunately, the Indonesian parliament inherited most of the infrastructure and the staff of the once powerless and meaningless DPR of the Suharto era. The parliamentary staff is a huge bureaucracy in which public servants do their jobs without much enthusiasm. More than 2,400 people are employed but only a small number are directly involved in supporting legislators' work, while all the others contribute to red tape. The parliamentary records are not computerized and not systemically stored, so that finding documents and background information for the legislators is a complex matter. The parliament's library is inadequate.

The academic staff of P3I (*Pusat Pengkajian dan Pelayanan Informasi*), the only parliamentary research centre, is limited to about forty researchers. Additionally, about twenty persons are employed for the support of drafting laws. This is totally insufficient given the complicated issues to be resolved in the democratization process. Individual legislators and factions lack qualified experts in the different fields of legislation to support them. In practice, sometimes legislators or factions hire temporary outside experts, but they are not permanently employed by the parliament.

The DPR suffers, according to DPR employees and political experts, from enormous financial problems, since they depend on the appropriations of the State Secretariat. In 2004, the DPR received only slightly more funds to act as a democratic, accountable and representative institution as it received when it was a rubber stamp under the *Orde Baru*.[16] In light of these problems, it is understandable that the DPR has great problems in recruiting competent and sufficient personnel.

For the functioning of parliament, these technical matters hamper the performance and leave legislators in difficult working conditions. Even when a legislator is not lazy or corrupt, the circumstances make effective work difficult.

In order to resolve these problems, DPR Chairman Akbar Tandjung proposed increasing the funds for the DPR to expand its skilled staff through

hiring advisors for the legislation and budgeting process. Another important point to him is the quality of the legislators. He reported that he already told the faction leaders to improve the quality of their legislators after the elections in 2004.[17] Indirectly, he thereby admitted that the performance of many legislators did not match the standard one would expect. Again, at the MPR session in 2004, he appealed to the new legislators elected in the 2004 general election to improve the performance of the DPR, or otherwise they would lose the confidence of the public.[18]

Senior legislator Jakob Tobing (PDI-P) echoed these complaints when he admitted that one of the main shortcomings of parliamentary work is the legislation not being adequate in depth and in detail. He hoped to expand the pool of experts working for the legislators in order to get more support and a better supply of information. Tobing asserted that the DPR in general did not have much expertise in economic matters. According to him, a national financial approach to tackle the urgent problems is badly needed, but the DPR has a surplus of micro-economic experts (i.e., businessmen) and a lack of macro-economic experts. As a result, the DPR is overmatched by the government departments in economic matters, but as parliament has more competent experts in legal affairs, the parliament can compete in this field.[19] DPR Vice-chairman Muhaimin Iskandar (PKB) said that the DPR's competencies in legislative and budget matters were very weak, since it had no expert staff dealing with these matters.[20]

Since the mentioned structural deficits hinder the daily work of the DPR, they hamper the fulfilment of its parliamentary functions. Consequently, these weaknesses cannot be regarded as minor details, but as serious impediments to further democratization. Here, there exist real possibilities for measures to solve the most urgent problems of DPR. They can, if implemented, bring about concrete improvements in the medium-term future.

## DPR'S CONTRIBUTION TO DEMOCRATIZATION

Parliament had both a positive as well as a negative impact on the democratization process. Among the positive aspects was the ability to find agreements in many important matters in a pluralistic and tolerant atmosphere, where all opinions could be voiced and freedom of speech and thought could prevail. Parliament, despite all elitist elements, became a real arena of public debate. The manifold conflicts of the archipelago could be addressed and tackled due to responsible behaviour of the legislators. The acceptance of the new and more democratic rules brought about a relatively smooth and non-violent transition from an authoritarian order to an emerging democracy.

Parliament played an increasingly important role during the democratization process. In its initial phase, it was of trivial significance, but near the end of Suharto's rule, it became more actively critical and thus contributed to some extent to the president's resignation. In the scholarly literature of transitions, parliaments are usually seen as only marginal actors. In the Indonesian case, however, the DPR's role was definitely not the decisive factor for bringing the authoritarian regime down, but neither was it completely irrelevant. The regime change was caused by many actors, which interacted and gave President Suharto no other choice but to step down. Michael Vatikiotis speaks of a collective effort: "The students occupying parliament supplied the populist backdrop which persuaded an increasing number of Suharto's cabinet colleagues that to go on would be political suicide. Gently, pressure was applied; from the parliament, the *ulama* [influential Muslim clerics], and by speaking frankly about the hopelessness of the security situation, also by ABRI" (Vatikiotis 1999, p. 163ff.).

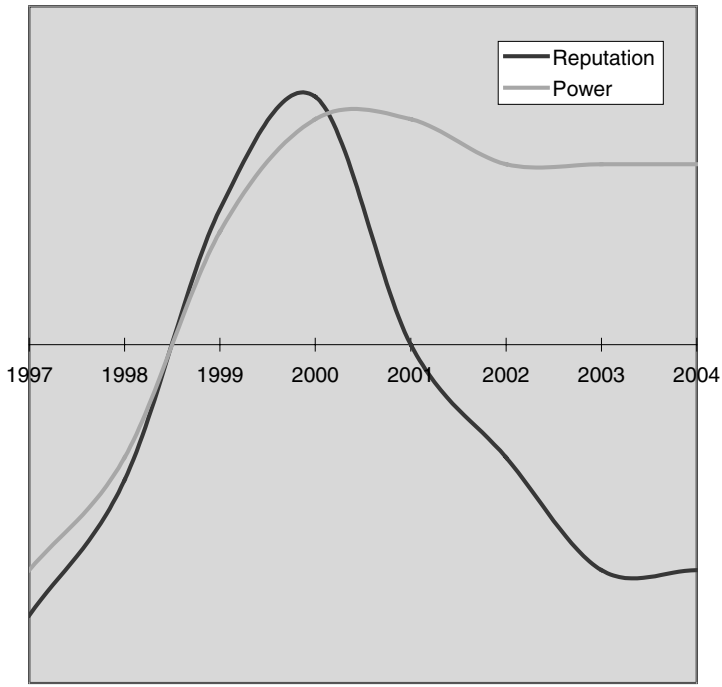
Even in this short analysis, the parliament is mentioned two times. First, as the place where the students manifested their demands, which provided a powerful symbol for the regime change as a whole. Second, parliament was named as one of the main forces pushing for Suharto's resignation. In some other analyses of the Indonesian regime change in 1998, however, the relative importance of the DPR is not considered sufficiently.

Under the presidency of Habibie, parliament started to improve its authority by gaining more influence within the political system. Despite its enormous deficit of legitimacy, it became a more serious competitor in the power game. According to senior legislator Jakob Tobing, in the time of the Habibie administration, the president was more responsible for the progress of the democratization process than the DPR.[21] This may be true, since all important reform legislation was prepared by Habibie's staff, although parliament debated the proposals and had some impact on the final laws.

After the free and fair elections in 1999, the DPR gained even more importance despite all its functional problems, especially in the field of law-making. With the unprecedented case of the impeachment of President Wahid, it became the dominant actor in Indonesian politics. In the following years, parliament remained powerful, but many unsolved problems led to a slight loss of power leading up to the 2004 elections. According to legislator Mochtar Buchori (PDI-P), the DPR has convincingly shown the public that it has the ability to transform itself from a rubber stamp institution to one with the determination and power to correct the wrongs of the Indonesian political system, of which there are so many.[22]

The DPR's reputation varied over the years between 1997 and 2004. Figure 6.1 shows that its reputation was very low during the *Orde Baru*, increased enormously after the 1999 elections, but since then steadily declined. It should be noted that no empirical data support the figure but instead it represents the author's estimation.

**FIGURE 6.1**
**The DPR's Reputation and Power between 1997 and 2004**




*Source:* Assessment by the Author.

The power of the DPR and its reputation seem to be causally related. The increase of power led to more credibility and support since parliament was seen as a hope for a more effective form of democracy. The DPR reached its peak of power in the impeachment process of Wahid in 2001, and has remained steady since then. Public support, however, declined since then as parliament was seen as overly powerful and neglectful of its functions as people's representation at the same time.

According to the neo-instutionalist approach, parliaments as all other actors follow their own material and abstract interests. Therefore, it is in their interest to defend their existence, expand their scope of power. In the aftermath of the regime change, the ruling elites — among them the members of the DPR — were threatened by material and political losses. Therefore, with "their own survival seemingly at stake, members of the elite who were not democrats by conviction became so by necessity" (Emmerson 2004, p. 105). Adherence to reform became a must for their own political survival. Though the political elite was divided in their political views, it was still able to close ranks and made the required reforms when its own interests were in danger.

After the resignation of Suharto and the following steps toward democracy, "the vast majority of the political elite were willing to play by most of the new rules of the political game, even though those rules introduced more uncertainty about outcomes than the elite had experienced in the last three decades" (King 2000, p. 105). This uncertainty, however, was diminished by the slow pace of the change and by forging the political laws in such a way that few of the elites had to fear an immediate end of his power. The proportional election system is a point in case as well as the reluctant approach to bring responsible persons of the authoritarian past to court. The relatively smooth transition and the passing of the constitutional amendments demonstrated the collective ability of the political elite to pull together in constructive ways.

## Notes

1 Interview with B. N. Marbun, legislator of PDI-faction between 1987 and 1997, 25 February 2004 in Jakarta.

2 Interview with Akbar Tandjung, Golkar faction, 3 December 2002, in Jakarta.

3 Interview with Jakob Tobing, PDI-P faction, 4 December 2002, in Jakarta.

4 S.P. Seth, "Is Indonesia Loosing its Moorings?", *Jakarta Post Online*, 20 August 2004.

5 Interview with Sembiring Meliala, PDI-P faction, 29 November 2002, in Jakarta.

6 Ufen specified that he regards the transition as a transplacement with intervention elements (Ufen 2002*a*, p. 574).

7 For further explanations to the terms "transformation", "replacement" and "transplacement" see Huntington (1991) and Chapter 4 of this study.

8 For example, he was active in the Golkar election campaign in 1997 and had several campaign events together with Suharto's daughter Siti Hardiyanti Rukmana (Tutut).

9 Endy M. Buyuni, "2004 Election: New Bottle, Same Content, Room for Change", *Jakarta Post Online*, 15 March 2004.

[10] Adam Tyson, "Complacency: Indonesia's Democratic Deficit", *Jakarta Post Online*, 26 May 2004.
[11] "Don't Quit on 'Reformasi' ", *Jakarta Post Online*, 21 May 2003.
[12] Ibid.
[13] Interview with Achmad Farial, PPP faction, 26 November 2002, in Jakarta.
[14] Interview with Jakob Tobing, PDI-P faction, 4 December 2002, in Jakarta.
[15] <http://www.transparency.org/pressreleases_archive/2004/2004.10.20.cpi.en.html>.
[16] Stephen Sherlock, "New DPR A New Broom or Just the Same Old Crowd?", *Jakarta Post Online*, 27 July 2004.
[17] Interview with Akbar Tandjung, Golkar faction, 3 December 2002, in Jakarta.
[18] Kurniawan Hari, "Akbar Admits Law-making Flaws", *Jakarta Post Online*, 24 September 2004.
[19] Interview with Jakob Tobing, PDI-P faction, 4 December 2002, in Jakarta.
[20] Interview with Muhaimin Iskandar, PKB faction, 15 November 2002, in Jakarta.
[21] Interview with Jakob Tobing, PDI-P faction, 4 December 2002, in Jakarta.
[22] Mochtar Buchori, "Goodbye, DPR! It's Been Nice Knowing You", *Jakarta Post*, 2 August, 2004.

# 7

# CONCLUSION AND PERSPECTIVES

This study is not only intended to make a contribution to research on the Indonesian democratization process, but also to stimulate the comparative research on parliaments in transition processes in general. The results of the case study on Indonesia clearly show that — despite all country- and culture-specific peculiarities — the Indonesian parliament was not completely exceptional and unique, but rather typical for a parliament in a transition process. For the course of democratic transitions, the regional differences have largely diminished (Ágh 2003, p. 44), meaning that cultural differences between the countries where democratization processes take place are less relevant than structural variables.

The role the DPR played was determined by a constellation not unlike those in other transition countries. At the beginning — like in other authoritarian regimes — parliament was mostly only a footnote in Indonesian politics. While less active in the initial phase of democratization, it developed into a powerful state institution which pushed the democratization process forward, especially during the presidencies of Abdurrahman Wahid and Megawati Soekarnoputri. The consolidation of democracy, however, is a difficult task considering the challenges of economic stagnation and emerging divisions within society. In addition to these factors, parliament itself bears some responsibility for the slow pace of democratic consolidation. Parliament's failure to fulfil some of its constitutional functions in a proper manner — particularly the budget and the legislative function — and the ailing public support for the DPR, contribute to the prevailing hindrances to a fully-fledged democracy.

These results do not stand in sharp contrast to existing transition research, but some findings deserve particular attention and could lead to modifications

of certain transition research positions. The results of this study show that the Indonesian parliament played a quite different role in the different periods of the transition process. As demonstrated in Chapter 3, it was not only the social movements which brought the regime change, but some members or groups within parliament also contributed to the downfall of the authoritarian regime. In scholarly literature on transition, the impact of parliaments on toppling an authoritarian ruler is usually neglected if not ignored. In the Indonesian case, however, the national parliament was one of the most decisive actors for the resignation of President Suharto. It was therefore more important in the first phase of the democratic transition than is usually acknowledged. Though social movements, in the Indonesian case the demonstrating students, received the most attention from scholarly literature and the general public during the regime change, other actors — among them parliament — should not be neglected. The political and military elite, also represented in the parliament, backed and legitimized by the protesting students, forced Suharto to resign.

During the democratization period under the presidency of Habibie, parliament gained some importance but was not as crucial as in other democratic transitions, for example in the pacted transitions in Central and Eastern Europe. After the 1999 election, however, it was one of the most powerful political actors and was responsible for the acceleration of the democratization process through its activities and laws.

## OBSTACLES TO DEMOCRATIC CONSOLIDATION

Many observers — especially Indonesians — feared that Indonesia was progressing too fast in moving towards a liberal democracy. Others — mostly Western analysts — worried about the slow pace of the democratization process and still others argued that it started too fast only to stagnate and even move backwards under the presidency of Megawati Soekarnoputri.

The pace of the democratization process was — especially in comparison to other recent transitions toward democracy — not incredibly fast. The inclusion of *Orde Baru* figures in the negotiations and the pact among the moderate ruling and opposition elites brought about a slow and incremental change. Many ordinary Indonesians viewed the changes as an ambiguous development which brought more freedom but less security, and were reluctant toward radical change.

An article in the *Jakarta Post* noted the sluggish pace of the reform process, but argued that this has advantages in a long-term perspective, reasoning that incremental changes cannot be easily revoked. "When this

nation opted for reform rather than revolution, we chose the longer but more certain road to democracy and prosperity. There is still a long way to go, and the road is bound to be filled with many more obstacles. The struggle for reform is not over yet"[1] — it has just begun.

The last two sentences refer to the beginning of the consolidation stage of the democratization process. A modicum of political stability has returned to Indonesia, but many more efforts to firmly establish democracy have to be carried out by the different actors and institutions. It is not only dependent on the performance of the presidency, the parliament and other political institutions, but also on other important actors such as the military, the media, religious groups and separatist organizations. These players are still potential obstacles for democratization. The outlook for the next five to ten years "remains clouded in uncertainty as the country's transition to a transparent and stable democracy faces numerous obstacles, ranging from powerful vested interests of the previous and current regimes to an immature party system and the centrifugal forces of separatism".[2] In addition, radical Muslism groups such as *Jemaah Islamiyah*, which have links to Middle East fundamentalists are constantly gaining more support for a theocracy. The armed forces are another potential veto player for democratic consolidation. They can still exercise power without effective civilian control and their territorial command system ensures the military's access to the economic and political infrastructure of the regions (Mietzner 2003, p. 246).

The mentioned groups and actors impede further political reforms, thus jeopardizing the emerging democracy in Indonesia. At the same time, even pro-democratic politicians and parties often endanger the whole process by their complacency, irresponsible manoeuvrings and their narrow-minded and short-sighted attitudes. With these actions, the responsible persons and parties, which are also represented in the parliament, play into the hands of the potential veto forces.

In the years since the regime change, Indonesia overhauled its constitution, passed many key political laws, and embraced a new system of checks and balances along with the establishment of several relevant political and judicial institutions such as the Constitutional Court. Therefore the reforms undertaken and reflected in the institutional framework of the country indicated that Indonesia was leaving its long authoritarian past behind and moving toward a new system of government which is certainly more democratic than anything else the country has seen in the past forty years.

Some authors, who were disappointed with the degree of reform, even fear that Indonesia has to deal with a restoration of an authoritarian political system. It is, however, exaggerated and overly pessimistic to state that "the

danger is looming large that the democratic and *rechtsstaat* supporting elements that have been introduced are increasingly degraded to a façade for an essentially authoritarian, military system, not unlike the one under Suharto" (Stockmann 2004, p. 339).

However, despite the obvious obstacles to political reform in Indonesia (such as conflict, corruption, and insecurity), "there is much hope that the democratic momentum that has been building now for six years will culminate in the consolidation of the political transition that followed the collapse of Suharto's New Order regime".[3] Democracy is proceeding year after year without authoritarian backlash. Six years have passed since the regime change and many steps were undertaken toward a diversification of power including the transforming of a toothless and manipulated body to a powerful and freely elected parliament. Despite all weaknesses and an ambiguous performance explained in the chapters above, parliament adds to the routinization of democracy. Through the parliament, deliberations and the methods of decision-making became far more transparent. The openness to discuss all topics including criticism toward any politician and particularly the policies of the government became a common feature in the Indonesian political system, which cannot easily be eliminated.

For nearly all political parties represented in the DPR democracy became the "only game in town" (Przeworski 1991, p. 26), a clear sign of the dawn of democratic consolidation. The fact that the great majority of the Indonesians voted for parties which explicitly promoted democratic values enhances the tendencies towards grounding of democracy. Major parts of the political elite submit their political authority to voters' decisions and thus accept the basic principle of democracy.

However, for an effective and deeply-rooted democratic order, ordinary citizens must be included in the equation with the political elite. The aspirations and interests of the people should be considered — or at least not completely ignored — by the political elites, particularly the legislators. A precondition for strengthening the emerging democracy is popular support for this system of government. There are clear indications that at the local level the sensibility for democracy is growing, but unless Indonesia's new democracy delivers economically and socially at the grassroots level, it will lose popular legitimacy. The success of democracy is to some extent linked with economic and social progress. Since little has changed in these areas so crucial for the ordinary Indonesian, in the years following Suharto's downfall, democracy is still not a foregone conclusion. Unless people "can see some hope for their future, democracy will not have much meaning or relevance for them. In that case, they are easy tools for extremism of all sorts."[4]

The parliamentary elections in 2004, however, proved that such negative assessments did not come to be. In newly established democracies, the second general elections after a regime change often represent the "make it or break it" indicator of a democratization. Although generally seen as "less glamorous than the landmark contests that gave birth to democracy, these events nevertheless held out the possibility that democratic routines might be deepened" (Bratton 1998, p. 51).

After the second parliamentary elections following the end of the authoritarian regime, which were held in April 2004, the signs for continuation of democracy in Indonesia were encouraging. The voter turnout of 84.1 per cent was extremely high for the second elections after a regime change. The electoral participation of the people usually declines dramatically after the founding elections. The high voter turnout in Indonesia indicated that people wanted to exercise their democratic rights. Additionally, the elections were neither accompanied by excessive violence nor by widespread manipulations. None of the major political groups boycotted the elections and radical political groups were not very successful. Muslim extremist parties and the party of Suharto's daughter "Tutut" and General Hartono, PKPB (*Partai Karya Peduli Bangsa*), garnered only little support from the electorate. Therefore, Indonesian voters have shown political maturity by largely shunning anti-democratic parties.

The party constellation in the DPR shifted only slightly, which marked a notable contrast to the high electoral volatility which occurred in second elections in Eastern Europe and Latin America (Bratton 1998, p. 65). Scholars commented that no fundamental political change took place in the parliamentary elections and "parliamentary politics would not differ significantly" (Legowo 2004, p. 234) from the situation before the elections. The composition of the DPR, however, changed dramatically after the 2004 elections. An extremely high seventy-three per cent of the elected legislators were newcomers (Sherlock 2004, p. 4). This will probably lead to changes in the performance of the parliament. Perhaps the newcomers will be less corrupt, less complacent and more motivated and could thus improve the credibility and effectiveness of parliamentary work. On the other hand, they often lack experience and have to adapt to the parliamentary procedures.

What should be an incentive for better performance is the amended constitutional framework under which the parliament now operates. After four rounds of constitutional amendments, which left little more than the previous name *Undang-Undang Dasar 1945* intact, the relations between and the duties of parliament and president are more precisely defined. The MPR and therefore the DPR no longer have power over the election of the

president since the new amendments ratified in 2004 provide for the direct election of the president for the first time in Indonesian history.

In addition, the conditions for an impeachment of the president are more precisely defined and the newly created Constitutional Court has a major say in such a process. With the introduction of the new second parliamentary chamber, the DPD (*Dewan Perwakilan Daerah*), the system of government resembles the U.S. model, a clear presidential system with a bicameral legislature.[5]

This change will bring more stability for the political system, since the new President Susilo Bambang Yudhoyono was elected for five years by the people and not by the MPR. This gives him greater independence, since he has no obligations to parliamentary factions and he cannot easily be put under pressure.

Thus the chances for a democratic deepening at national level are not too bad. However, much will depend on the future performance of the DPR as one of the decisive factors for democratic consolidation. As the embodiment of the people's sovereignty, parliament could contribute positively to the deepening of the democracy by taking its representative function more seriously, by effectively controlling executive abuses without being deliberately obstructive and by initiating and passing more comprehensive legislation with democratic content. The efficient fulfilment of these functions is a necessary precondition for parliament becoming more credible and effective. A powerful and at the same time professional parliament is indeed urgently needed for the consolidation of democracy in Indonesia.

## Notes

1 "The Halfway Reform", *Jakarta Post Online*, 12 August 2002.

2 Johanes L. Sitanggang, "RI Country Risks Remain High", *Jakarta Post Online*, 26 May 2004.

3 Adam Tyson, "Complacency: Indonesia's Democratic Deficit", *Jakarta Post Online*, 26 May 2004.

4 S.P. Seth, "Is Indonesia Loosing its Moorings?", *Jakarta Post Online*, 20 August 2004.

5 The main difference is that DPD is by far not as powerful as the U.S. Senate. Therefore, Indonesia has a rather soft bicameral system.

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# PANCASILA

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Democratization in Indonesia has altered the political decision-making processes in many ways. It has also brought about tremendous change to the role of the Indonesian parliament in the country's political system. Once characterized as a powerless rubber stamp, the parliament has developed into a comprehensive and more representative body able to fulfil its functions more adequately.

In the literature on democratic transition, the impact of parliaments on regime changes and on the democratic reorganization of the most important state institutions and regulations is usually neglected. In the Indonesian case, however, the national parliament was one of the most decisive actors and is therefore the focus of this book.

The author analyses the parliament's contribution towards the process of democratization. Thus, this book contributes not only to research on the Indonesian democratization process, but also to the comparative research on parliaments in transition processes in general.

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